

Approved _____

Date

2/15/89

MINUTES OF THE Senate COMMITTEE ON Federal & State Affairs

The meeting was called to order by Senator Edward F. Reilly at
Chairperson

11:06 a.m./~~p.m.~~ on February 14, 1989 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statute Office
Marty Robison, Secretary

Conferees appearing before the committee:

John Young, Chm. of Legislative Comm. of Ks. Soc. of Land Surveyors
Trudy Aron, representing Vance Liston, Ks. Soc. of Architects
Mike Germann, Boeing Military Airplanes
George Barbee, Kansas Consulting Engineers
Bill Henry, Kansas Engineering Society, Inc.
E.A. Mosher, League of Kansas Municipalities
Robert Bradford, Intern't'l. Assoc. of Machinists & Aerospace Workers
John Ulrich, KSU, College of Engineering
Mark Wettig, Department of Revenue
R.E. "Tuck" Duncan, Kansas Wine & Spirits Wholesalers Assoc.

Chairman Reilly called the meeting to order.

Senator Daniels moved that the minutes of February 8 and 9 be approved.
Senator Bond seconded and the motion carried.

A booklet, "Liquor Control Act", was distributed to members by the Department of Revenue for their study.

Continued hearings were held on SB 104 which deals with amendments concerning licensure of technical professions and authorizing the imposition of civil fines.

John Young appeared in support of the bill with three amendments providing for three land surveyor members, curriculum improvements, and exemptions for the performance of land surveying (Attachment 1).

Trudy Aron appeared in place of Vance Liston and said the Kansas Society of Architects supports Senate Bill 104. She did speak to the sections objectionable to others which deal with definitions and said her organization believes that the definitions presented are accurate (Attachment 2).

Mike Germann expressed concern that certain groups of their employees would be foreclosed from sitting for examination for licensure as professional engineers if K.S.A. 74-7021 is amended as proposed. Substitution language was offered to be more consistent with K.S.A. 74-7003 (Attachment 3).

George Barbee opposed SB 104 unless amendments are made. Those amendments were outlined in his testimony and contained several deletions to be substituted with other language (Attachment 4).

Bill Henry said changes that re-define the practice of architecture and the practice of surveying concern his society. He presented amendments which the Kansas Consulting Engineers would support (Attachment 5).

E.A. Mosher said The League has now taken a position of opposition to SB 104. The two reservations they have about the bill involve planning the

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal & State Affairs,
room 254-E, Statehouse, at 11:06 a.m./~~p.m.~~ on February 14, 1989.

use of land and water and building inspector duties (Attachment 6).

Robert Bradford appeared in concern over the proposed statute which would foreclose the opportunity for those who have other than engineering degrees to sit for the examination for licensure of Professional Engineer (Attachment 7).

John Ulrich appeared to object to the plan which would exclude those graduates with a Bachelor of Science Degree in Engineering Technology from becoming registered/licensed professional engineers (Attachment 8).

Chairman Reilly called the member's attention to written testimony in their folders from Mike Conduff (Attachment 9) and Mike Lackey, KDOT, (Attachment 10).

Due to the large number of amendments offered, Chairman Reilly appointed a sub-committee to work on this bill. Senator Bond will act as chairman with Senators Vidricksen and Anderson serving as members.

A hearing was held on SB 87 which deals with the annual permit required for alcoholic beverage suppliers.

Mark Wettig told committee members that the Department would like to have an annual fee of \$25 for suppliers, rather than the current \$25 one-time fee (Attachment 11).

Tuck Duncan requested that the Committee add a new section to allow suppliers to sell consumers "gift packs" produced by suppliers (Attachment 12).

Senator Morris moved SB 87 be reported favorably. Senator Vidricksen seconded the motion and it passed. Senator Daniels asked to be recorded as a "no" vote.

Mark Wettig presented the bonding language for SB 86 which the committee had requested (Attachment 13).

Chairman Reilly said discussion on this bill will be held at a later date.

The meeting was adjourned at 12:00.

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: 2/14/89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Neal Whitaker	Topeka	Ks Beer Wholesaler
Ed PRIBEL	OSAWATOMIE	:/INDIVIDUAL
Mike Germano	Wichita	Boeing Military Aerospace
Bob Bradford	Wichita	WEA Prof. Judge 2020
Jon Dray	Topeka	Life at its Best
Lori Callahan	Topeka	KS BTP
Betty Rose	Topeka	KS BTP
W. I. Shafer	Overland Park	KS BTP
HENRY W. SCHIRMER	TOPEKA	KS BTP
Gustave E Fairbanks	Manhattan	KS BTP
Jacque Dakes	Topeka	KSLS
John Young	Lawrence	KSLS
Gene LOCKERS	Topeka	KREC
TRUDY ARON	Meriden	Ks Soc. of ARCHITECTS
FRED HOPPE	MANHATTAN KS	KANSAS STATE UNIV.
JOHN M URRIGH	"	" " "
DAROLD SAUBER	" "	" " "
Lisa Hoffman	" "	" " "
VANCE W LISTON	TOPEKA	KS SOCIETY OF ARCHTS
KAREN FRANCE	"	Ks. Assoc. of REALTORS
Shelley Sutton	"	Ks. Engineering Soc.
Bill King	TOPEKA	Ks Engineering Soc.
Mark With	"	KDOR
JOAN ADAMS	✓	ABC
Jim Conant	✓	ABC

Mr. Chairman: Members of the Committee; Good Morning. My name is John Young. I reside at Route 3, Lawrence. I am a land surveyor licensed to practice in the State of Kansas, Chairman of Legislative Committee of the Kansas Society of Land Surveyors, and am employed by Douglas County as the Deputy Director of Public Works. I am here this morning on behalf of the Kansas Society of Land Surveyors and because of my personal interest in Senate Bill 104.

The writers of this bill should be praised for the foresight, careful consideration of current issues, and tremendous effort that is obvious to any reader. KSLs is pleased that the definitions of each of the technical professions have been improved to give a more detailed and accurate description of the professions as they are practiced today. We are pleased to see language that clarifies and reinforces the Board's authority and ability to regulate and police the technical professions. We are also pleased that some of the disparities in regulations and requirements that have existed between the various professions have been removed. We support Senate Bill 104 with three amendments which are outlined in our position paper.

Before I address the three requested amendments, I would like to make some observations concerning questions I have fielded since the writing of our paper, about lines 151 and 156, page 4. The questions all revolve around the definition of plats. To clarify the situation, I would suggest that the transitive verb "platting" in line 151 be replaced with the words "preparation of plats". Additionally, I would suggest that paragraphs (2) and (3), be supplemented with the following language:

"As used in this paragraph, the word plat is considered to be the graphic representation of land boundaries including the boundaries of rights or interests in land."

SF & SA
2-14-89
Attachment 1

"Platting" refers to a process which includes certain statutory requirements, owner's intent, preparation of the "plat", acceptance or rejections by governing bodies, and recording. Since platting involves conveyance of title or interest in land, as well as recording, plats should be prepared by land surveyors, and the word plats should stand in lines 151 and 156, with definitions added for clarification.

KSLS believes that Section 2, page 5, line 165, should be amended to provide for three land surveyor members on the Board of Technical Professions. While current make-up of the Board may be somewhat representative of the numbers of licensed individuals in each profession, a review panel cannot be formed to review complaints against a land surveyor that would consist of a majority of professionals in his field of expertise. I believe this proposed amendment is the least disruptive way to provide a mechanism by which the Board can exercise its review powers in the most fair and equitable manner.

We in KSLS are excited to see in Section 13, page 13, line 454 and 455, that this Bill's minimum qualifications for applicants seeking licensure in land surveying include "graduation in a surveying curriculum approved by the Board," and that substitution of curriculum from other professions is no longer considered. While this poses a challenge that our second proposed amendment is intended to address, we believe it is important that lines 454 and 455 stand as written. While no four-year curriculum in surveying currently exists in Kansas or neighboring states, a major priority of the KSLS education committee is the establishment of such a curriculum at one or more Kansas Board of Regents Schools. Curriculum development and inquiries are underway and I am optimistic that it is possible to have such a curriculum in place in a reasonable time frame.

I personally do not feel that curriculum for another technical profession should be substituted for this requirement. At the present time only a very few rudimentary surveying courses are offered at our four-year institutions, and they do not sufficiently supplement an engineering or architecture curriculum to provide a basis for land survey licensure. I believe that it is most appropriate that this Bill make clear distinction between areas of qualification as well as areas of practice.

I hope that you will support our proposed amendment so that opportunity for licensure can be maintained through this transition from our current situation to the establishment of an approved curriculum.

The last item I wish to address is Section 21, page 20, lines 262 through 264, which exempts from licensure employees of State, County, and City governmental agencies, for the performance of land surveying.

All language pertaining to governmental exemptions has been stricken for the other technical professions. Moreover, these exemptions are in direct conflict with Section 17, page 16, lines 116 through 118, which will make it "a class A misdemeanor for any person to... hold oneself out as entitled to practice any technical profession unless duly licensed.."

We all recognize that the Board of Technical Professions exists to protect the public welfare; to assure our citizens of the competent practice of all the technical professions. People deserve that assurance whether the practice is architecture, landscape architecture, engineering, or land surveying, and whether it is by individuals in the private sector or in the public sector.

The key mechanism for accountability to the Board is licensure. I have not found in this Bill or elsewhere a mechanism that makes State, County, or City agencies accountable to the Board. So, if these exemptions are to remain, neither those agencies nor their employees are accountable in matters of land surveying except through litigation, and we send a message to citizens that these agencies are above, or at least beyond, the law. We give a green light to these agencies and their employees to practice, or fail to practice, land surveying at any level of competence, and to any standard of accuracy that might be convenient.

I believe that government agencies have a responsibility to set an example for conformance to the provisions of this Bill, if enacted, and to set an example for excellence when practicing any of the technical professions. To allow this exemption to stand may jeopardize the public faith in the profession of land surveying, in government, and in the law. We see no reason that this exemption should exist for surveyors when it is clearly recognized that it should not exist for the other professions.

KSLS believes that public welfare is served as much by protection of the rights that attach to land ownership through correct legal descriptions and accurately located boundaries, as it is served by the appropriate practice of architecture, engineering, and landscape architecture. We believe the public welfare should be assured in the practice of all the technical professions, regardless of who employs the practitioners.

I hope you will give favorable consideration to striking lines 262 through 264 of Section 21, page 20.

I stand for questions.

120 *mal nature, insofar as they involve safeguarding life, health or prop-*
 121 *erty, and the coordination of services furnished by architects and*
 122 *other professional services as may be necessary to the planning,*
 123 *progress and completion of any services related to engineering. As*
 124 *used in this paragraph (i), "engineering surveys" include all survey*
 125 *activities required to support the sound conception, planning, design,*
 126 *construction, maintenance, and operation of engineered projects, but*
 127 *exclude the surveying of real property for the establishment of land*
 128 *boundaries, rights-of-way, easements, and the dependent or inde-*
 129 *pendent surveys or resurveys of the public land survey system.*

130 (j) "Land surveyor" means a person who is professionally
 131 qualified as provided in this act to engage in the practice of
 132 land surveying and who is licensed by the board any person
 133 who is engaged in the practice of land surveying as provided in this
 134 act and who is licensed by the board.

135 (k) "Practice of land surveying" means the application of math-
 136 ematics and the principles of law and methods of land meas-
 137 urement for the location or relocation of land boundaries and
 138 land monuments; the measurement and calculation of land
 139 areas; the preparation of the original descriptions of real prop-
 140 erty for conveyance or recording; and the preparation of maps
 141 or certificates of survey thereof. includes:

142 (1) The performance of any professional service, the adequate
 143 performance of which involves the application of special knowledge
 144 and experience in the principles of mathematics, the related physical
 145 and applied sciences, the relevant requirements of law and the meth-
 146 ods of surveying measurements in measuring and locating of lines,
 147 angles, elevation of natural and man-made features in the air, on
 148 the surface of the earth, within underground workings and on the
 149 bed of bodies of water for the purpose of determining areas, volumes
 150 and monumentation of property boundaries; and

151 (2) the ~~plating~~ and layout of lands and subdivisions thereof,
 152 including the topography, determination of, but not design of, align-
 153 ment and grades of streets and utilities; and *

154 (3) the preparation of the original descriptions of real property
 155 for the conveyance of or recording thereof and the preparation
 156 maps, plats and field note records that represent these surveys; an *

preparation of plats of

*as used in this paragraph the word plat is considered
 to be the graphic representation of land boundaries
 including the boundaries of rights or interest in land.

Supplement to KSLs Position Paper of 2-9-89.

RE: Senate Bill No. 104

157 (4) *teaching land surveying in a university offering an approved*
 158 *land surveying curriculum of four or more years by a person who*
 159 *is a licensed land surveyor.*

160 (1) "Person" means a natural person, firm, corporation or
 161 partnership.

162 Sec. 2. K.S.A. 74-7005 is hereby amended to read as follows:
 163 74-7005. Three ~~(3)~~ members of the board shall have been engaged
 164 in the practice of engineering, as defined in this act, for at least
 165 ~~five~~ *eight* years. One ~~(1)~~ member shall have been engaged in the
 166 practice of land surveying, as defined in this act, for at least ~~five~~
 167 *eight* years; three ~~(3)~~ members shall be architects of recognized
 168 standing and shall have been engaged in the practice of the profession
 169 of architecture, as defined in this act, for at least ~~ten~~ *eight* years,
 170 which practice shall include responsible charge of architectural work
 171 as principal; one ~~(1)~~ member shall be a licensed landscape architect,
 172 as defined in this act, and shall have been engaged in the practice
 173 of landscape architecture for at least ~~seven~~ *eight* years, which practice
 174 shall include responsible charge of landscape architectural work
 175 as principal; and one ~~(1)~~ member shall be from the general public
 176 of this state. Each member of the board shall be a citizen of the
 177 United States and a resident of this state. *The amendments to this*
 178 *section shall not be applicable to any member of the board who was*
 179 *appointed to the board and qualified for such appointment under*
 180 *this section prior to the effective date of this act.*

Three (3) members

181 Sec. 3. K.S.A. 74-7006 is hereby amended to read as follows:
 182 74-7006. ~~The members of the first board shall be appointed~~
 183 ~~within sixty (60) days after the effective date of this act, to~~
 184 ~~serve for the following terms: One member of the board shall~~
 185 ~~be appointed to serve for one (1) year, two for two (2) years,~~
 186 ~~three for three (3) years, and three for four (4) years. The term~~
 187 ~~of each board member, first appointed hereunder, shall com-~~
 188 ~~mence on the day this act becomes effective. Whenever a vacancy~~
 189 ~~shall occur in the membership of the board by reason of the expi-~~
 190 ~~ration of a term of office, the governor shall appoint a successor of~~
 191 ~~like qualifications. All appointments made subsequent to those~~
 192 ~~herein first specified shall be for a term of four (4) years, but no~~
 193 ~~member shall be appointed for more than three (3) successive four-~~

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or
(2) (a) Graduation in an accredited a surveying curriculum approved by the board; of not less than two years with two years survey experience of a character satisfactory to the board; or
(3) completion of six years or more of active experience in land surveying, of a character satisfactory to the board. Each year of satisfactory work in an accredited engineering or surveying curriculum may be considered as equivalent to one year of experience in land surveying, but not exceeding a total of four years; and (b) proof of at least four years of land surveying experience satisfactory to the board; and
(4) (c) the satisfactory passage of an examination given utilized by the board. Such examination may be taken prior to or during the last year of the period of work experience by any applicant who is a graduate in such approved curriculum.

add...

(b) (1) The board may exempt from examination and may issue, upon application therefor and receipt of payment of the application fee prescribed under K.S.A. 74-7009, and amendments thereto, a license to practice land surveying to any professional engineer licensed in the state of Kansas who was so licensed prior to January 1, 1986, and who submits, under oath, evidence satisfactory to the board that the applicant is and was, for at least one year prior to July 1, 1986, a resident of the state of Kansas and is and was, for at least two years prior to July 1, 1986, in responsible charge of land surveying work.

(2) The provisions of this subsection (b) shall expire on September 30, 1988.

Sec. 14. K.S.A. 74-7023 is hereby amended to read as follows: 74-7023. (a) All examinations required by this act shall be held at such time and place as the board shall determine *determines*. The scope of the examinations and the methods of procedure shall be prescribed by the board. The board, after receiving satisfactory evidence of the qualifications of applicants and after satisfactory examination of said the applicants, shall issue a license authorizing the applicant to practice the technical profession for which he or she the applicant is qualified and to use the title appropriate to such

(d) Until such time that a four-year surveying curriculum is available to Kansas residents, the requirements shall be a two-year surveying curriculum approved by the Board with proof of at least six years of land surveying experience satisfactory to the board; or proof of at least eight years of land surveying experience satisfactory to the Board.

1-8

238 proaches or environment for buildings, structures or facilities.

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

242 Sec. 21. K.S.A. 1988 Supp. 74-7034 is hereby amended to read
243 as follows: 74-7034. The provisions of this act requiring licensure or
244 the issuance of a certificate of authorization under K.S.A. 74-7036,
245 and amendments thereto, to engage in the practice of land surveying
246 shall not be construed to prevent or to affect:

247 (a) Surveying, other than land surveying where such surveying
248 is incidental to the design or construction of engineering or archi-
249 tectural works.

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

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

256 (d) The performance of services by a licensed landscape architect
257 or by a corporation issued a certificate of authorization to provide
258 services in landscape architecture under K.S.A. 74-7036, and amend-
259 ments thereto, in connection with landscape and site planning for
260 the sites, approaches or environment for buildings, structures or
261 facilities.

delete { 262 ~~(e) The practice of land surveying by any officer or employee of~~
263 ~~any federal, state, county or city governmental agency while engaged~~
264 ~~in the performance of official duties.~~

265 Sec. 22. K.S.A. 74-7035 is hereby amended to read as follows:
266 74-7035. The provisions of this act shall not apply to:

267 (a) The practice of any technical profession by a person *who is*
268 not a resident of and ~~having~~ *has* no established place of business
269 in the state of Kansas, or who has recently become a resident of
270 this state, if such person ~~shall have~~ *has* filed with the board an
271 application for a license and ~~shall have~~ *has* paid the application fee
272 required by this act. Such person shall be legally qualified by license
273 or registration to practice ~~said~~ *the* profession in ~~his or her~~ *such*
274 *person's* own state or country in which the requirements and qua



THE KANSAS SOCIETY OF ARCHITECTS, AIA

A Chapter of the American Institute of Architects

The Jayhawk Tower 700 Jackson, Suite 209 Topeka, KS 66603 913•357•5308

February 9, 1989

The Honorable Edward F. Reilly
State Capitol
Topeka, KS 66603

Dear Senator Reilly:

My name is Vance Liston, President of the Kansas Society of Architects. I'm addressing you today in my capacity as President.

The Kansas Society of Architects supports Senate Bill 104.

This bill brings appropriate consistency to the training and experience requirements of all professions under the Board of Technical Professions umbrella; incorporates language that more clearly defines the practice of each profession; strengthens enforcement and penalties for violation of the law; and strengthens the educational and experience requirements for each profession.

I'd like to now address a few specific sections of the bill to which we understand our friends, the engineers, may object.

Our differences focus on portions of some new language that defines an "architect", the "practice of architecture", and the "practice of engineering". We've attached a marked version of pages 2-4 to illustrate. Each of the items that the engineers want stricken has corresponding and equivalent language under engineering definitions. We believe that the definitions presented by this bill are accurate and that they state "reality" in terms of today's professional practice. We believe that elimination of the disputed portions of these definitions removes some of the clarity being sought. If the Legislature chooses to eliminate any of these phrases from the "architects'" definitions, we believe they should be eliminated from the "engineers'" definitions.

The architect is the "generalist" in the design process. His/her education, internship and examination is diverse and covers a broad scope of subjects, both functional and aesthetic; and provides the architect with the ability to understand, assemble

- PRESIDENT
Vance W. Liston, AIA
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Michael G. Mayo, AIA
- PAST-PRESIDENT
David L. Hoffman, AIA
- EXECUTIVE DIRECTOR
Trudy Aron

SF & SA
2-14-89
Attachment 2



and coordinate all the other disciplines and specialties required for a successful project. Conversely, the engineer's examination addresses a single technology concerning only one of the many functional systems on which a building depends.

Based on the architect's training and experience, I could argue that only architects should be allowed "incidental" practice. We don't believe this is appropriate, however. There are significant differences between the practice of architecture and engineering that affect public health, safety and welfare.

In limited situations, the areas of qualification and practice of the two disciplines overlap. Under these specific conditions, the incidental practice of one profession by the other may be justified. In these limited situations, it must be left to the judgment of the professional to decide if he/she has the expertise to perform the incidental work. We believe that the integrity of the men and women that practice each of our professions is so high that seldom will one of our peers practice beyond their abilities. I would emphasize, we believe that, except for the most basic structures, the use of both architectural and engineering services should be required.

We urge you to leave each of these definitions as written.

Jumping to the end of this bill (page 21), we would like your consideration to strike lines 303-307. We believe that this section would allow someone to advertise and/or market their services without being licensed in this state; an advantage to professionals in other states. They would not be required to obtain a license until they had secured work in this state.

Thank you for your consideration. If you have questions, I'd be happy to answer at this time.

Sincerely,

A handwritten signature in cursive script that reads "Vance W. Liston".

Vance W. Liston, AIA
President
Kansas Society of Architects

46 building design, coordination of services furnished by licensed
47 professional engineers and other consultants, overall project coor-
48 ordination, design, the preparation of drawing, specifications and re-
49 lated documents, all in connection with the construction or erection
50 of any private or public building, building project or integral part
51 or parts of buildings or of any additions or alterations thereto, or
52 other services and instruments of services related to architecture;

53 (2) representation in connection with contracts entered into be-
54 tween clients and others;

55 (3) observing the construction, alteration and erection of build-
56 ings; and

57 (4) providing such engineering and other services controlled by
58 the board as may be required that are incidental to the building
59 design process.

60 (e) "Practice of architecture" means the rendering of service by
61 consultation, planning, or designing of buildings or the re-
62 sponsible administration of construction projects or offering to
63 render certain services, as provided for in the definition of architect
64 under paragraph (d), in connection with the design and construction
65 of alterations and additions of a building or buildings; the utilization
66 of space surrounding such buildings; the design and construction of
67 items relating to building code requirements and other building re-
68 lated features affecting the public's health, safety and welfare; and
69 teaching architecture in a university offering an approved architec-
70 ture curriculum of four years or more by a person who is a licensed
71 architect.

72 (f) "Landscape architect" means a person who is professionally
73 qualified as provided in this act to engage in the practice of landscape
74 architecture, who teaches landscape architecture in a recognized
75 college or university or practices landscape architecture and who is
76 licensed by the board.

77 (g) "Practice of landscape architecture" means the performing of
78 professional services such as consultation, planning, designing or
79 responsible supervision in connection with the development of land
80 areas for preservation and enhancement; teaching landscape archi-
81 teature in a university offering an approved landscape architectural
82 curriculum of four years or more by a person who is a licensed

83 landscape architect; and the designing of land forms and nonhabitable
84 structures for aesthetic and functional purposes such as pools, walls,
85 and structures for outdoor living spaces for public and private use.
86 It encompasses the determination of proper land use as it pertains
87 to: Natural features; ground cover, use, nomenclature, and arrange-
88 ment of plant material adapted to soils and climate; naturalistic and
89 aesthetic values; settings and approaches to structures and other
90 improvements; soil conservation erosion control; drainage and grad-
91 ing; and the development of outdoor space in accordance with ideals
92 of human use and enjoyment.

93 (h) "Professional engineer" means a person who; is qualified to
94 practice engineering by reason of his or her special knowledge and
95 use of the mathematical, physical and engineering sciences and the
96 principles and methods of engineering analysis and design, acquired
97 by engineering education and engineering experience, who is qual-
98 ified as provided in this act to engage in the practice of engineering
99 and who is licensed by the board.

100 (i) "Practice of engineering" means any service or creative work,
101 the adequate performance of which requires engineering education,
102 training, and experience in the application of special knowledge of
103 the mathematical, physical, and engineering sciences to such services
104 or creative work as consultation, investigation, evaluation, planning
105 and design of engineering works and systems, planning the use of
106 land and water, teaching engineering in a university offering an
107 approved engineering curriculum of four (4) years or more by a
108 person who is a licensed professional engineer, engineering surveys
109 and studies, representation in connection with contracts entered into
110 between clients and others, and the inspection observation of con-
111 struction for the purpose of assuring compliance with drawings and
112 specifications; and providing such architectural and other services
113 controlled by the board as may be required that are incidental to
114 the practice of engineering; any of which embraces such service or
115 work, either public or private, in connection with any utilities, str-
116 uctures, buildings, machines, equipment, processes, work systems, or
117 projects and including such architectural work as is incidental
118 to the practice of engineering industrial or consumer products or
119 equipment of a mechanical, electrical, hydraulic, pneumatic or ther-

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120 mal nature, insofar as they involve safeguarding life, health or prop-
121 erty, and the coordination of services furnished by architects and
122 other professional services as may be necessary to the planning,
123 progress and completion of any services related to engineering. As
124 used in this paragraph (i), "engineering surveys" include all survey
125 activities required to support the sound conception, planning,
126 construction, maintenance, and operation of engineered proj-
127 ects, but exclude the surveying of real property for the establishment of land
128 boundaries, rights-of-way, easements, and the dependent or inde-
129 pendent surveys or resurveys of the public land survey system.

130 (j) "Land surveyor" means a person who is professionally
131 qualified as provided in this act to engage in the practice of
132 land surveying and who is licensed by the board any person
133 who is engaged in the practice of land surveying as provided in this
134 act and who is licensed by the board.

135 (k) "Practice of land surveying" means the application of math-
136 ematics and the principles of law and methods of land mea-
137 surement for the location or relocation of land boundaries and
138 land monuments; the measurement and calculation of land
139 areas; the preparation of the original descriptions of real prop-
140 erty for conveyance or recording; and the preparation of maps
141 or certificates of survey thereof; includes:

142 (1) The performance of any professional service, the adequate
143 performance of which involves the application of special knowledge
144 and experience in the principles of mathematics, the related physical
145 and applied sciences, the relevant requirements of law and the meth-
146 ods of surveying measurements in measuring and locating of lines,
147 angles, elevation of natural and man-made features in the
148 on the surface of the earth, within underground workings and
149 the bed of bodies of water for the purpose of determining areas, volumes
150 and monumentation of property boundaries; and

151 (2) the platting and layout of lands and subdivisions thereof,
152 including the topography, determination of, but not design of, align-
153 ment and grades of streets and utilities; and

154 (3) the preparation of the original descriptions of real property
155 for the conveyance of or recording thereof and the preparation of
156 maps, plats and field note records that represent these surveys; and

THE ARCHITECTS UNDERSTAND THAT THE
ENGINEERS WOULD LIKE TO STRIKE UNDERLINED
ITEMS: ARCH A, ARCH B AND ARCH C!
KSS ARCH

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60

Statement of
Boeing Military Airplanes

Presented to the Senate Committee
on Federal and State Affairs
The Honorable Edward F. Reilly, Chairman

Statehouse
Topeka, Kansas
February 9, 1989

BOEING

* * * * *

Mr. Chairman and Members of the Committee:

My name is Mike Germann, Public Affairs Manager for Boeing Military Airplanes. I want to thank you for the opportunity to express a concern which we have with 1989 Senate Bill No. 104. Specifically, our concern relates to the proposed revision of K.S.A. 74-7021 (see section 12, beginning on page 10).

The existing statute recognizes several different classes of applicants for licensure as professional engineers. The existing statute also recognizes that certain activities, such as teaching engineering in a university, may satisfy wholly or partially the experience requirement for licensure. The proposed revision of this statute would eliminate existing legislative quideposts for the licensure of professional engineers and substitute totally the discretionary powers of the Board of Technical Professions.

Boeing Military Airplanes has in place policies and programs to encourage its employees to continue their technical and professional growth. Career development classes are offered both on and off-site. Tuition reimbursement is available to employees pursuing both baccalaureate and post-graduate degrees. Fee reimbursement is available to employees attending seminars in their areas of specialization. Seeking licensure as a professional engineer is another avenue of professional growth that employees have utilized.

If K.S.A. 74-7021 is amended as proposed, we are concerned that certain groups of our employees will be foreclosed from sitting for examination for licensure as professional engineers. In lieu of the language proposed in new subsection (a) of K.S.A. 74-7201, we would urge substitution of the following language:

"Graduation in a curriculum of mathematical, physical or engineering sciences approved by the board."

The language proposed above is consistent with the definition of "professional engineer" and "practice of engineering" contained in K.S.A. 74-7003 (see page 3 of SB 104).

Thank you, Mr. Chairman, for allowing me to bring this concern before the Committee. I will try to respond to any questions which you or Members of the Committee might have.

SFOSA
2-14-89
Attachment 3



GEORGE BARBEE, EXECUTIVE DIRECTOR
810 MERCHANTS NATIONAL BANK
8TH & JACKSON
TOPEKA, KANSAS 66612
PHONE (913) 357-1824

STATEMENT

Senate State and Federal
Affairs Committee

SB-104

Mr. Chairman and Members of the Committee my name is George Barbee, Executive Director of the Kansas Consulting Engineers. The Kansas Consulting Engineers is an association whose membership is made up approximately sixty engineering firms performing professional design services in Kansas. These firms employ an aggregate of approximately 5,000 Kansans. Many of those are licensed professional engineers, architects, landscape architects, and landsurveyors.

The KCE Board has directed me to appear today in opposition of SB-104, unless a few amendments can be made. Our suggested amendments are few in number and can best be explained if you will refer to the balloon copies, provided to you, of pages 2,4,13 & 22.

On page two, lines 46-48, you will see the suggested deletion of the words "coordination of services furnished by licensed professional engineers and other consultants, overall project coordination, design". This language should be deleted because it is neither necessary nor prudent to delineate the provisions of coordination of services by statute. That delineation comes about as a part of a contractual agreement between the client and professional. There are a number of Kansas engineering firms who employ architects that are designing skyscrapers, airports and other large projects. They may have project engineers coordinate the project. It is not something that is a special service reserved for an architect or for an engineer and should not be law.

Also on page two, lines 57-59, you will find other recommended amendments in the form of deletions. This is the most serious item we have to address. For at least the 15 years that I have been with the consultants there has been a provision in the statutes to allow engineers to practice architecture that is "incidental" to the project. This is to allow the design of a minor structure such as a pump house for a sewer lift or a water pump. For example, it allows an engineer to make decisions in the practice of landscape architecture such as specifying that fescue grass be planted on a sewerage lagoon. We have often heard the argument that if it is fair to allow engineers to practice architecture incidental to a project, then it is fair to allow architects to do the same. This simply is not so.

The purpose of the Board of Technical Professions, as clearly stated in K.S.A. 74-7004, is to "safeguard the life, health, property and welfare of the public". Engineering is such a multi-disciplined

AFFILIATED WITH:

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

SF&SA
5-14-89
Attachment. 4

profession that even a Professional Engineer, with education and experience in the discipline of electrical engineering, should not attempt to practice structural engineering which is incidental to a project on which he or she is working. To do so would be detrimental to public safety. We do not believe that to allow an architect to practice electrical engineering, mechanical engineering, civil engineering, and certainly structural engineering is a safeguard to public life, health and property. To remove a load bearing wall or to specify a load bearing beam or bolt for a stairway may seem incidental at the time. It may even be incidental to the total cost of the project. But, such an action could have a domino effect that would lead to catastrophic loss of life and property due to a structural failure.

The same reasoning can be applied to the requested deletion in line 65-67. If retained, this language could lead to a case by case argument as to what is meant by "utilization of space surrounding such buildings". When a 50 car parking lot at a neighborhood church is designed without proper consideration of drainage and hydrology and subsequent damage to neighboring property results, has this act provided safeguards to the public. No. An engineer should be involved to determine the proper storm water drainage design. This requires engineering education, experience and judgement.

On line 67 we suggest that the word "building" be deleted and be replaced with the word "architectural". Many building code requirements are written for specific electrical, mechanical, and structural design. The proposed language in SB-104 extends the responsibility of an architect into the practice of engineering. Our amendment would make it clear that the design of engineering systems would not be designed by architects.

On page four, line 151, we would request the deletion of "platting and" to be replaced with the word "field" and that in line 152 "determination of, but not design of, alignment and grades of streets and utilities, and" be deleted. To determine alignment and grades of streets and utilities clearly requires engineering education and experience to properly design drainage to and from adjacent property sites. Site distances for streets and design of easements for utilities also requires engineering education and experience. To complete this revision the word "plats" on line 156 should also be deleted.

On page 13, line 454, we would suggest the insertion of "an engineering or" after "graduation in". I do not know of an existing landsurveying curriculum in the Kansas education system and even if there was a curriculum it seems that an engineering curriculum would provide more than adequate education foundation to pursue a career in landsurveying or to at least meet the requirements for examination for license. We are not requesting automatic licensure but simply the opportunity to take the exam after an engineer has met the other requirements of the Board.

Finally, on page 22, we request amendment to provide that a general corporation or a professional association could offer a specific technical profession service if a responsible person in charge named on a certificate of authorization is a regular employee of the corporation. The amendments proposed by the Board to this section are objectionable because they require a firm to provide that the person be a board member and a stock holder in addition to being an employee. Often, the employee has not been with the firm long enough to justify appointment as a Director or to be an owner of stock. However, we do agree with the Board amendments that the person should be a regular employee.

The Kansas Consulting Engineers Board of Directors recognizes the need for many of the provisions offered by the Board of Technical Professions. We particularly like the provision to allow the Board of Technical Professions the ability to assess civil fines and costs. We also are strongly in support of the requirement for public officials to not accept technical submissions unless they have been stamped with the professional's seal. The design industry has suffered years of frustration living with the knowledge that structures, buildings, and projects that require the seal of a licensed professional are being designed by non-licensed persons. While the Board of Technical Professions can discipline a licensed professional for violation of the licensing law, the same Board has had its hands tied by not having any disciplinary jurisdiction over the non-licensed violators. Under existing law, if the Board finds that a project has been designed by a non-licensed person the Board has to rely on a local county attorney or the Attorney General to prosecute. Caseloads that are burdened with criminal cases usually cause these unlicensed practice cases to receive little or no attention. SB-104 would correct that situation by allowing the Board to have jurisdiction and power to assess fines.

It is our desire that the consulting engineers proposed amendments be adopted so that we can support favorable action on SB-104.

4-4

10 building design, ~~coordination of services furnished by licensed~~
 47 ~~professional engineers and other consultants, overall project coor-~~
 48 ~~dination, design,~~ the preparation of drawing, specifications and re-
 49 lated documents, all in connection with the construction or erection
 50 of any private or public building, building project or integral part
 51 or parts of buildings or of any additions or alterations thereto, or
 52 other services and instruments of services related to architecture;

53 (2) representation in connection with contracts entered into be-
 54 tween clients and others;

55 (3) observing the construction, alteration and erection of build-
 56 ings; and

57 ~~(4) providing such engineering and other services controlled by~~
 58 ~~the board as may be required that are incidental to the building~~
 59 ~~design process.~~

60 (e) "Practice of architecture" means the rendering of service by
 61 consultation, planning, or designing of buildings or the re-
 62 sponsible administration of construction projects or offering to
 63 render certain services, as provided for in the definition of architect
 64 under paragraph (d), in connection with the design and construction
 65 or alterations and additions of a building or buildings; ~~the utilization~~
 66 ~~of space surrounding such buildings;~~ the design and construction of
 67 items relating to ~~building~~ code requirements and other building re-
 68 lated features affecting the public's health, safety and welfare; and
 69 teaching architecture in a university offering an approved architec-
 70 ture curriculum of four years or more by a person who is a licensed
 71 architect.

72 (f) "Landscape architect" means a person who is professionally
 73 qualified as provided in this act to engage in the practice of landscape
 74 architecture, who teaches landscape architecture in a recognized
 75 college or university or practices landscape architecture and who is
 76 licensed by the board.

77 (g) "Practice of landscape architecture" means the performing of
 78 professional services such as consultation, planning, designing or
 79 responsible supervision in connection with the development of land
 80 areas for preservation and enhancement; *teaching landscape archi-*
 81 *teature in a university offering an approved landscape architectural*
 82 *curriculum of four years or more by a person who is a licensee*

architectural

4-5

120 mal nature, insofar as they involve safeguarding life, health or prop-
 121 erty, and the coordination of services furnished by architects and
 122 other professional services as may be necessary to the planning,
 123 progress and completion of any services related to engineering. As
 124 used in this paragraph (i), "engineering surveys" include all survey
 125 activities required to support the sound conception, planning, design,
 126 construction, maintenance, and operation of engineered projects, but
 127 exclude the surveying of real property for the establishment of land
 128 boundaries, rights-of-way, easements, and the dependent or inde-
 129 pendent surveys or resurveys of the public land survey system.

130 (j) "Land surveyor" means a person who is professionally
 131 qualified as provided in this act to engage in the practice of
 132 land surveying and who is licensed by the board any person
 133 who is engaged in the practice of land surveying as provided in this
 134 act and who is licensed by the board.

135 (k) "Practice of land surveying" means the application of math-
 136 ematics and the principles of law and methods of land meas-
 137 urement for the location or relocation of land boundaries and
 138 land monuments; the measurement and calculation of land
 139 areas; the preparation of the original descriptions of real prop-
 140 erty for conveyance or recording; and the preparation of maps
 141 or certificates of survey thereof. includes:

142 (1) The performance of any professional service, the adequate
 143 performance of which involves the application of special knowledge
 144 and experience in the principles of mathematics, the related physical
 145 and applied sciences, the relevant requirements of law and the meth-
 146 ods of surveying measurements in measuring and locating of lines,
 147 angles, elevation of natural and man-made features in the air, on
 148 the surface of the earth, within underground workings and on the
 149 bed of bodies of water for the purpose of determining areas, volumes
 150 and monumentation of property boundaries; and

151 (2) ~~the platting and layout of lands and subdivisions thereof,~~
 152 ~~including the topography, determination of, but not design of, align-~~
 153 ~~ment and grades of streets and utilities; and~~

154 (3) the preparation of the original descriptions of real property
 155 for the conveyance of or recording thereof and the preparation of
 156 maps, ~~plats~~ and field note records that represent these surveys; and

field

4-6

453 or

454 (2) (a) Graduation in an accredited ^a surveying curriculum ap-
 455 proved by the board; of not less than two years with two years
 456 survey experience of a character satisfactory to the board; or

457 (3) completion of six years or more of active experience in
 458 land surveying, of a character satisfactory to the board. Each
 459 year of satisfactory work in an accredited engineering or sur-
 460 veying curriculum may be considered as equivalent to one year
 461 of experience in land surveying, but not exceeding a total of
 4 four years; and (b) proof of at least four years of land surveying
 463 experience satisfactory to the board; and

464 (4) (c) the satisfactory passage of an examination given utilized
 465 by the board. Such examination may be taken prior to or during
 466 the last year of the period of work experience by any applicant who
 467 is a graduate in such approved curriculum.

468 (b) (1) The board may exempt from examination and may
 469 issue, upon application therefor and receipt of payment of the
 470 application fee prescribed under K.S.A. 74-7009, and amend-
 471 ments thereto, a license to practice land surveying to any
 472 professional engineer licensed in the state of Kansas who was
 473 so licensed prior to January 1, 1986, and who submits, under
 474 oath, evidence satisfactory to the board that the applicant is
 475 and was, for at least one year prior to July 1, 1986, a resident
 4 of the state of Kansas and is and was, for at least two years
 477 prior to July 1, 1986, in responsible charge of land surveying
 478 work.

479 (2) The provisions of this subsection (b) shall expire on
 480 September 30, 1988.

7 Sec. 14. K.S.A. 74-7023 is hereby amended to read as follows:
 8 74-7023. (a) All examinations required by this act shall be held at
 9 such time and place as the board shall determine *determines*. The
 10 scope of the examinations and the methods of procedure shall be
 11 prescribed by the board. The board, after receiving satisfactory evi-
 12 dence of the qualifications of applicants and after satisfactory ex-
 13 mination of said *the* applicants, shall issue a license authorizing the
 14 applicant to practice the technical profession for which ~~he or she~~
 15 *the applicant* is qualified and to use the title appropriate to such

an engineering or

4-17

312 an officer, employee or agent of such corporation is authorized as
313 provided under this section if: (1) One or more ~~of the corporate~~
314 ~~officers~~ of such corporation is designated as responsible for the ac-
315 tivities and decisions relating to the practice of such profession and
316 is licensed to practice such profession by the state board of technical
317 professions *and is a regular employee of the corporation; a member*
318 ~~of its board of directors and a holder of its stock~~; (2) all personnel
319 of ~~said~~ such corporation who act in its behalf in the practice of such
320 profession are licensed to practice such profession by the state board
321 of technical professions or are persons lawfully practicing under
322 K.S.A. 74-7031 to 74-7035, inclusive, and ~~any~~ amendments thereto,
323 or are exempt from examination for licensure in this state under
324 K.S.A. 74-7024, and any amendments thereto; and (3) such corpo-
325 ration has been issued a certificate of authorization by the state board
326 of technical professions.

employees

327 (b) A corporation may apply to the board of technical professions
328 for a certificate of authorization, upon a form prescribed and fur-
329 nished by the board, listing the names and addresses of all officers
330 and members of the board of the corporation and also of an individual
331 or individuals licensed to practice a branch of the technical profes-
332 sions who will be responsible for the practice of such branch of the
333 technical professions in this state through such corporation, and such
334 other information as may be required by the board of technical
335 professions. The application for a certificate of authorization shall be
336 accompanied by an application fee fixed by the board under K.S.A.
337 74-7009 *and amendments thereto*. The biennial renewal fee fixed by
338 the board under K.S.A. 74-7009 *and amendments thereto* shall be
339 accompanied by the same form providing current information. In
340 the event of a change of any officer of such corporation or a change
341 of any member of the board, such change shall be designated on
342 such form and filed with the board within ~~thirty (30)~~ 30 days after
343 the effective date of such change.

344 (c) If the board of technical professions finds that such corporation
345 is in compliance with all of the requirements of this section, the
board shall issue a certificate of authorization to such corporation
designating the branch or branches of the technical professions for
348 which such corporation is authorized to provide services. A corpo-



Kansas Engineering Society, Inc.

627 S. Topeka, P.O. Box 477
Topeka, Kansas 66601 (913) 233-1867

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Executive Vice President

Testimony for the Senate Federal and State Affairs Committee February 9, 1989

Mr. Chairman, members of the committee, I am Bill Henry, the Executive Vice President of the Kansas Engineering Society. The organization which I represent is composed of professionally licensed engineers who practice engineering as consultants, in government, education, construction and industry.

We appreciate the opportunity to appear before you today and present our position on S.B. 104, a complex piece of legislation. This legislation, which will govern the practice of architects, engineers, land surveyors, and landscape architects, places our society in a difficult position. We like and support many of the features of this bill, some of which were adopted because of a task force report our Society compiled three years ago.

We particularly support the authority granted to the Board in the new legislation which will allow them to use civil fines in cases where violations of the act occur. We also support the concept that local officials can take care and prevent many would be violations of the act when building permits are issued.

Unfortunately there are other changes that re-define the practice of architecture and the practice of surveying which give us concern. It is because of this concern that the Society cannot support the bill as it is currently drafted.

Practice of professions do change and the legislature certainly has the authority to accommodate these changes in practice by changing the statutes that govern the practice. However, in the case of the changes in the definition of the practice of architecture and to a limited extent the practice of surveying the changes could prevent engineers from performing functions they do today and would do tomorrow based upon their education, training and experience.

If this committee could accept the recommended amendments presented by the Kansas Consulting Engineers, with whom our organization has worked closely in this regard, we could become strong supporters of S.B. 104. If those changes cannot be accommodated then regretfully we will have to act as an opponent to the measure in its current form.

We appreciate the opportunity to express the Society's position at this time and we will be happy to respond to any requests for information the committee may have.

Respectfully submitted,
KANSAS ENGINEERING SOCIETY SFASA

William M. Henry
Executive Vice President
2-14-89
Attachment 5

46 ~~building design, coordination of services furnished by licensed~~
47 ~~professional engineers and other consultants, overall project coor-~~
48 ~~ordination, design, the preparation of drawing, specifications and re-~~
49 ~~lated documents, all in connection with the construction or erection~~
50 ~~of any private or public building, building project or integral part~~
51 ~~or parts of buildings or of any additions or alterations thereto, or~~
52 ~~other services and instruments of services related to architecture;~~

53 (2) representation in connection with contracts entered into be-
54 tween clients and others;

55 (3) observing the construction, alteration and erection of build-
56 ings; and

57 ~~(4) providing such engineering and other services controlled by~~
58 ~~the board as may be required that are incidental to the building~~
59 ~~design process.~~

60 (e) "Practice of architecture" means the rendering of service by
61 ~~consultation, planning, or designing of buildings or the re-~~
62 ~~sponsible administration of construction projects or offering to~~
63 ~~render certain services, as provided for in the definition of architect~~
64 ~~under paragraph (d), in connection with the design and construction~~
65 ~~or alterations and additions of a building or buildings; the utilization~~
66 ~~of space surrounding such buildings; the design and construction of~~
67 ~~items relating to building code requirements and other building re-~~
68 ~~lated features affecting the public's health, safety and welfare; and~~
69 ~~teaching architecture in a university offering an approved architec-~~
70 ~~ture curriculum of four years or more by a person who is a licensed~~
71 ~~architect.~~

72 (f) "Landscape architect" means a person who is professionally
73 qualified as provided in this act to engage in the practice of landscape
74 architecture, who teaches landscape architecture in a recognized
75 college or university or practices landscape architecture and who is
76 licensed by the board.

77 (g) "Practice of landscape architecture" means the performing of
78 professional services such as consultation, planning, designing or
79 responsible supervision in connection with the development of land
80 areas for preservation and enhancement; ~~teaching landscape archi-~~
81 ~~teature in a university offering an approved landscape architectural~~
82 ~~curriculum of four years or more by a person who is a licensed~~

120 mal nature, insofar as they involve safeguarding life, health or prop-
 121 erty, and the coordination of services furnished by architects and
 122 other professional services as may be necessary to the planning,
 123 progress and completion of any services related to engineering. As
 124 used in this paragraph (i), "engineering surveys" include all survey
 125 activities required to support the sound conception, planning, design,
 126 construction, maintenance, and operation of engineered projects, but
 127 exclude the surveying of real property for the establishment of land
 128 boundaries, rights-of-way, easements, and the dependent or inde-
 129 pendent surveys or resurveys of the public land survey system.

130 (j) "Land surveyor" means a person who is professionally
 131 qualified as provided in this act to engage in the practice of
 132 land surveying and who is licensed by the board any person
 133 who is engaged in the practice of land surveying as provided in this
 134 act and who is licensed by the board.

135 (k) "Practice of land surveying" means the application of math-
 136 ematics and the principles of law and methods of land meas-
 137 urement for the location or relocation of land boundaries and
 138 land monuments; the measurement and calculation of land
 139 areas; the preparation of the original descriptions of real prop-
 140 erty for conveyance or recording; and the preparation of maps
 141 or certificates of survey thereof; includes:

142 (1) The performance of any professional service, the adequate
 143 performance of which involves the application of special knowledge
 144 and experience in the principles of mathematics, the related physical
 145 and applied sciences, the relevant requirements of law and the meth-
 146 ods of surveying measurements in measuring and locating of lines,
 147 angles, elevation of natural and man-made features in the air, on
 148 the surface of the earth, within underground workings and on the
 149 bed of bodies of water for the purpose of determining areas, volumes
 150 and monumentation of property boundaries; and

151 (2) ~~the platting and layout of lands and subdivisions thereof,~~
 152 ~~including the topography, determination of, but not design of, align-~~
 153 ~~ment and grades of streets and utilities; and~~

154 (3) the preparation of the original descriptions of real property
 155 for the conveyance of or recording thereof and the preparation of
 156 maps, ~~plots~~ and field note records that represent these surveys; an

field layout of lands and subdivisions
 thereof, including the topography; and

4-5

Graduation in an engineering or a surveying curriculum approved by the board;

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or

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(2) (a) Graduation in an accredited a surveying curriculum approved by the board; of not less than two years with two years survey experience of a character satisfactory to the board; or

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(3) completion of six years or more of active experience in land surveying; of a character satisfactory to the board. Each

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year of satisfactory work in an accredited engineering or surveying curriculum may be considered as equivalent to one year

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of experience in land surveying; but not exceeding a total of four years; and (b) proof of at least four years of land surveying

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experience satisfactory to the board; and

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(4) (c) the satisfactory passage of an examination given utilized by the board. Such examination may be taken prior to or during

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the last year of the period of work experience by any applicant who is a graduate in such approved curriculum.

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(b) (1) The board may exempt from examination and may issue, upon application therefor and receipt of payment of the

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application fee prescribed under K.S.A. 74-7000, and amendments thereto, a license to practice land surveying to any

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professional engineer licensed in the state of Kansas who was so licensed prior to January 1, 1986, and who submits, under

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oath, evidence satisfactory to the board that the applicant is and was, for at least one year prior to July 1, 1986, a resident

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of the state of Kansas and is and was, for at least two years prior to July 1, 1986, in responsible charge of land surveying

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478

work.

479

(2) The provisions of this subsection (b) shall expire on September 30, 1988.

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Sec. 14. K.S.A. 74-7023 is hereby amended to read as follows: 74-7023. (a) All examinations required by this act shall be held at

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such time and place as the board shall determine determines. The scope of the examinations and the methods of procedure shall be

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prescribed by the board. The board, after receiving satisfactory evidence of the qualifications of applicants and after satisfactory examination of said the applicants, shall issue a license authorizing the

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applicant to practice the technical profession for which he or she the applicant is qualified and to use the title appropriate to such

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312 an officer, employee or agent of such corporation is authorized as
 313 provided under this section if: (1) One or more ~~of the corporate~~
 314 ~~officers~~ of such corporation is designated as responsible for the ac-
 315 tivities and decisions relating to the practice of such profession and
 316 is licensed to practice such profession by the state board of technical
 317 professions *and is a regular employee of the corporation, a member*
 318 ~~of its board of directors and a holder of its stock~~; (2) all personnel
 319 of ~~said~~ such corporation who act in its behalf in the practice of such
 320 profession are licensed to practice such profession by the state board
 321 of technical professions or are persons lawfully practicing under
 322 K.S.A. 74-7031 to 74-7035, inclusive, and ~~any~~ amendments thereto,
 323 or are exempt from examination for licensure in this state under
 324 K.S.A. 74-7024, and any amendments thereto; and (3) such corpo-
 325 ration has been issued a certificate of authorization by the state board
 326 of technical professions.

327 (b) A corporation may apply to the board of technical professions
 328 for a certificate of authorization, upon a form prescribed and fur-
 329 nished by the board, listing the names and addresses of all officers
 330 and members of the board of the corporation and also of an individual
 331 or individuals licensed to practice a branch of the technical profes-
 332 sions who will be responsible for the practice of such branch of the
 333 technical professions in this state through such corporation, and such
 334 other information as may be required by the board of technical
 335 professions. The application for a certificate of authorization shall be
 336 accompanied by an application fee fixed by the board under K.S.A.
 337 74-7009 *and amendments thereto*. The biennial renewal fee fixed by
 338 the board under K.S.A. 74-7009 *and amendments thereto* shall be
 339 accompanied by the same form providing current information. In
 340 the event of a change of any officer of such corporation or a change
 341 of any member of the board, such change shall be designated on
 342 such form and filed with the board within ~~thirty (30)~~ 30 days after
 343 the effective date of such change.

344 (c) If the board of technical professions finds that such corporation
 345 is in compliance with all of the requirements of this section, the
 346 board shall issue a certificate of authorization to such corporation
 347 designating the branch or branches of the technical professions for
 348 which such corporation is authorized to provide services. A corpo-

One or more employees of such corporation
 is designated as responsible for the ac-

...



League
of Kansas
Municipalities

Municipal
Legislative
Testimony

An Instrumentality of its Member Kansas Cities. 112 West Seventh Street, Topeka, Kansas 66603 Area 913-354-9565

TO: Senate Committee on Federal and State Affairs
FROM: E.A. Mosher, Executive Director
RE: SB 104 -- Technical Professions
DATE: February 9, 1989

The League does not have a formal position on SB 104. However, we do have serious reservations about two provisions of the bill.

Planning the Use of Land and Water. On page 3, lines 105: 106, the work of "planning the use of land and water" is defined to mean the "practice of engineering". There are now many local government officers and employees, who are not registered engineers, engaged in "planning the use of land and water." These individuals are not involved in design work, nor in the development of plans and specifications for construction, but are clearly involved in "planning". Indeed, we hope that even elected governing body members are involved with "planning the use of land and water", to say nothing about the members of planning commissions who have legal responsibility to plan the use of land.

As an aside, it may be noted that even our Board of Regents' institutions grant advanced degrees in planning, which are not engineering degrees. And we not aware of any public policy objective which should compel a city to hire only a professional engineer to do either water or land use planning.

Building Inspector Duties. Section 24, on page 23, effectively requires every municipal building inspector in Kansas to know when or when not a technical professional's seal is required on a building permit application. If a seal is not required, presumably the building inspector must determine the validity of the "specific" exception. If the inspector fails to perform this "duty", he apparently is subject to a fine of up to \$5,000 for the first violation, and presumably ouster from office.

Whether we like it or not, very few local building inspectors are members of the technical professions. To expect them to know when a seal is required for each permit application, or authenticate a specific exception, is asking a great deal from a part-time or even full-time inspector.

If this duty is imposed on every single local building inspector in Kansas, then someone has an obligation to specifically identify, with practical examples, where a seal is required, and where a seal is not required.

We are not objecting to a requirement that a seal is or is not required for the design of structures. We are simply objecting to an apparent effort to place the primary responsibility for enforcing the technical professions act involving buildings on the local building inspector.

President: Douglas S. Wright, Mayor, Topeka * Vice President: Irene B. French, Mayor, Merriam * Past President: Carl Dean Holmes, Mayor, Plains
* Directors: Margo Boulanger, Mayor, Sedan * Nancy R. Denning, Commissioner, Manhattan * Ed Eilert, Mayor, Overland Park * Greg Ferris, Councilmember, Wichita * Frances J. Garcia, Commissioner, Hutchinson * William J. Goering, City Clerk/Administrator, McPherson * Jesse Jackson, Commissioner, Chanute * Richard U. Nienstedt, City Manager, Concordia * David E. Retter, City Attorney, Concordia * Judy M. Sargent, City Manager, Russell * Joseph E. Steineger, Mayor, Kansas City * Bonnie Talley, Commissioner, Garden City * Executive Director: E.A. Mosher

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Attachment 6

Our concern about this is exacerbated by Section 18 of the bill, beginning on page 17, which narrows the exception to the general requirement of the use of an architect. As we read lines 171: 174 and lines 182: 184, on page 18, an architect's seal would be required for building alterations and additions involving the uniform building code or life safety code and for certain structural changes. We have no policy position on this matter. However, it is noted here because its provisions would be of significance in implementing Section 18 as now written.



**INTERNATIONAL
ASSOCIATION
OF MACHINISTS
AND AEROSPACE
WORKERS**

Machinists Builc
1300 Connecticut Avenue
Washington, D.C. 20036

Area Code 202
857-5200

Statement of
WEA Professional Lodge #2020 of the
International Association of Machinists and Aerospace Workers

Presented to the Senate Committee
on Federal and State Affairs
The Honorable Edward F. Reilly, Chairman

Statehouse
Topeka, Kansas
February 14, 1989

* * * * *

My name is Robert W. Bradford and I am Grand Lodge Special Representative of the International Association of Machinists and Aerospace Workers. I would like to thank you for the opportunity to express the concerns we have with the 1989 Senate Bill No. 104.

I am here to day representing over 2,000 Boeing engineers and scientists who work and live in and around Wichita, Kansas. The persons we represent have at least a BS in a college or university in either Engineering, Physics, Mathematics or Computer Science and all have been placed on what Boeing Military Airplanes call their engineering payroll. All are eligible under the existing statute to apply for licensure as Professional Engineer.

Our specific concern relates to the proposed provision of K.S.A. 74-7021 (see section 12, beginning on page 10). We are concerned if their proposed statute is passed it will foreclose the opportunity for those who have other than engineering degrees to sit for the examination for licensure of Professional Engineer. In lieu of the language proposed in new subsection (a) of K.S.A. 74-7201, we would urge substitution of the following language:

"Graduation in a curriculum of mathematical, physical of engineering sciences approved by the board."

We believe the proposed language is consistent with the definition of "Professional Engineer" and the "practice of engineering" contained in K.S.A. 74-003 (see page 3 of SB 104).

I would like to thank the Chairman for allowing me to testify before the committee and would welcome the opportunity to answer any questions that you might have concerning this important issue.



SF & SA
2-14-89
Attachment 7



Department of Engineering Technology

College of Engineering
Seaton Hall
Manhattan, Kansas 66506
913-532-5617

February 13, 1989

TO: Edward Reilly, Chairman
Federal and State Affairs Committee

FROM: Kansas State University Department of Engineering Technology
John Ulrich, Head *JU*
Fred Hoppe, Associate Professor and Chairman/MET *FH*
Darold Sauber, Senior in Mechanical Engineering Technology
Lisa Hoffman, Senior in Electronic Engineering Technology *LH*

SUBJECT: Proposed statutory change in the State Professional License

The State Board of Technical Professions recently prepared a draft of proposed changes in the act.

We are very concerned and object to their plan to exclude those graduates with a Bachelor of Science Degree in Engineering Technology (BSET) from becoming registered/licensed professional engineers.

The existing statute requires the BSET to have four years experience to sit for the EIT exam and an additional four years of experience to sit for the PE exam. We believe that this existing requirement should be modified, but only by eliminating the four-year waiting period to sit for the EIT exam.

Outlined below are the reasons we ask your support.

1. The major reason that Engineering Technology is and should remain licensable is the educational requirements. The BSET curriculum Kansas State University is ABET accredited and has all elements the other engineering degrees contain, such as chemistry, physics, calculus, graphics, engineering science courses, and design. As an example, a comparison of curricula would show that MET is more applied and contains more "hands on" lab work than the more research oriented curriculum. (See attached.)

SFA SA
2-14-89

Attachment 8

2. Preventing BSET graduates from becoming professional engineers would jeopardize our graduates opportunities to find jobs.

3. Many two-year graduates from Kansas College of Technology (KCT in Salina) transfer to Kansas State University to complete their BSET degrees. The changes would have a negative effect on these transfer students.

4. The BSET program at Kansas State University currently enrolls 200 students. The proposed changes could cause enrollment to drop.

5. Adopting the Board's recommendations would counter a national trend --- 38 states allow registration as a professional engineer. (See attached.)

6. The proposed changes would accelerate the "brain drain" from Kansas.

7. We need to advance technical programs such as Engineering Technology; programs that help make the State of Kansas and the country work, rather than try to cripple them.

8. The Board did not do its homework on this bill: no analysis; no evaluation; no contact with those of us in the state that "need to know"; no justification or professional reasons.

All of us in Engineering Technology at Kansas State, including Dean Donald Rathbone (Rathbone developed the program at KSU to fill a need) and Dean Kenneth Gowdy, feel very strongly that allowing our BSET graduates to become professional engineers would increase the high standards of engineering professionalism that we are all seeking.

Attachments

cc: Sheila Hochhauser
Mike Conduff
Gus Fairbanks



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(913) 296-3053

Suite 507, Landon State Office Building 900 Jackson Street Topeka, Kansas 66612-1214

TESTIMONY ON S.B. 104 SENATE, FEDERAL AND STATE AFFAIRS COMMITTEE February 14, 1989

Mr. Chairman and Members of the Committee:

My name is Mike Conduff, and I am Vice Chairman of the Board of Technical Professions and serve as a professional engineer member of the Board.

Mr. Schirmer previously addressed your Committee to explain the background of S.B. 104 from an architect's point of view. As an engineer member of the Board, I had some additional comments to make with regard to the legislative proposal.

S.B. 104 is a culmination of many years of work to draft statutes which would more fully protect the health, safety and welfare of the public, which is the legislative directive for our Board. In this regard, one provision of S.B. 104 would require engineers, in order to obtain an engineering license, to have a degree in engineering, rather than any other course of study. Unquestionably, this is a change from the current statutes which allow engineers to become licensed if they have a degree in a curriculum other than engineering. Such degrees other than engineering qualify for two years of the eight year experience requirement. The degrees other than engineering which are accepted by the Board currently are degrees in the "related sciences." "Related sciences" are mathematics, physics, chemistry and biology.

It is the position of the Board that education is an essential element of the training of a professional. In order to assure that this training is adequate and to adequately protect the public, it is essential that there be minimal educational requirements, the very least of which is an educational background in the area of licensure.

When was the last time you heard of a lawyer without a law degree; a doctor without a doctorate degree; an accountant without an accounting degree; or a nurse without a nursing degree.

Additionally, this new requirement is a matter of practicality. Of the current registrants for the professional engineering examination, less than one percent have a "related science" background.

Additionally, it is a matter of national uniformity. The N.C.E.E. model law is clear in this area, that engineering degrees must be

required for licensure in engineering. S.B. 104 is consistent with that model law, thereby created uniformity among the states.

Finally, I want to reiterate the comments made by Chairman Schirmer, that the majority of this bill is uncontroversial and necessary to the continued proper administration of the technical professions in the state of Kansas. Please carefully consider, however, the amendments proposed by others to determine whether the proposals of the Board, which are intended to protect the health, safety and welfare of the Kansas public, should be eliminated from the bill due to the objections of the other conferees.

Kansas Department of Transportation

February 13, 1989

TO: Senator Ed Reilly, Chairman
Committee on Federal and State Affairs

FROM: Kansas Department of Transportation

SUBJECT: Senate Bill 104/Amendments to K.S.A., Chapter 74

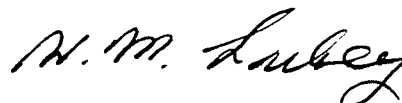
The amendments to the Technical Professions Act are extensive and of interest to the Department and many of its employees. We will limit our comments, however, to the practice of land surveying, the practice of engineering and the Department's position on changes thereto.

Section 1, paragraph (i) specifically excludes "surveying of real property for the establishment of land boundaries, rights of way, easements. . ." from the definition of engineering surveys and the practice of engineering (page 4, lines 124 through 129). The Department of Transportation does this type of surveying in association with its duties and is capable and competent to perform such work.

K.S.A. 74-7034 and 7035 (Section 21 and 22 of the Bill) contain exemptions which make the changes in Section 1 inconsequential for the Department, as well as other state, county and city governmental agencies. The Section 21(e) amendment does strike federal agencies from the exemption and we question the rationale of the discrimination.

Because of the exemptions in 7034 and 7035 and because they are not being amended to materially affect KDOT's operations, we are not opposing the amendments to Section 1(i).

The Department does wish to be on record as opposing any subsequent amendments which might be made in Sections 21 or 22 which would require licensure as land surveyors for the KDOT personnel who conduct surveys as a part of their official duties. Such a requirement would be a burden to both the Department and its employees and it is unnecessary. KDOT serves the public interest, in contrast to profit-making private firms, and its surveys are among the most accurate of those performed in the state.



W.M. Lackey, P.E.
State Transportation Engineer

SF & SA
2-14-89
Attachment 10

MEMORANDUM

TO: The Honorable Edward F. Reilly, Chairman
Senate Committee on Federal and State Affairs

FROM: Mark E. Wettig
Special Assistant to the Secretary of Revenue

DATE: February 14, 1989

SUBJECT: Senate Bill 87, As Introduced

I appreciate the opportunity to appear before you today in support of legislation requested by the Department of Revenue. Senate Bill 87 is the result of a Department recommendation to make the one-time fee for a supplier permit, an annual fee.

BACKGROUND

Before importing alcohol into Kansas, a manufacturer must obtain a permit from the Alcoholic Beverage Control Division. The supplier permit was established by the 1987 Legislature (K.S.A. 41-331) as an effort to give the Director more control over out-of-state manufacturers. Because the fee of \$25 is a one-time fee which does not have to be renewed, it does not cover the yearly administrative costs of corresponding with the 231 suppliers currently authorized to do business in Kansas.

WHY RECOMMENDATION WAS MADE

The Department's proposal is an effort to cover the administrative costs of communicating with the manufacturers of alcoholic beverages. Although processing fees are collected to cover the cost of compiling and maintaining required price postings, telephone and postage costs continue to increase in response to daily supplier legal inquiries and requests for approval of marketing programs. The one-time \$25 fee currently in place does not cover the costs of these additional contacts, and in the long run allows out-of-state businesses full access to ABC resources at no cost, while in-state licensees pay thousands of dollars annually for the same services.

Thank you for your attention. I will be glad to answer any questions the committee may have.

SF & SA
2-14-89
Attachment 11

K · A · N · S · A · S
WINE & SPIRITS
WHOLESALE ASSOCIATION, INC.

To: Senate Federal and State Affairs Committee
From: R.E. "Tuck" Duncan
RE: Senate Bill 87

We respectfully request that the Committee add a new section to Senate Bill 87 to allow suppliers to sell in the State of Kansas, and licensed liquor retailers to sell to Kansas consumers "gift packs" produced by suppliers.

Today the sale of "gift packs" is prohibited by the language of the law that provides that only product in its "original" container may be sold in a retail store.

To effect this authorization we propose that the Director of the Alcoholic Beverage Control be given the authority to promulgate regulations concerning what constitutes an "original" container with the view that "gift packs" produced by the supplier might fall thereunder.

Your attention to and consideration of this matter is greatly appreciated.

SF & SA

2-14-89

Attachment 12

41-317. License application; form; fee; bond. (a) Applications for all licenses under this act shall be upon forms prescribed and furnished by the director and shall be filed with the director in duplicate. Each application shall be accompanied by a state registration fee of \$50 for each initial application and \$10 for each renewal application to defray the cost of preparing and furnishing standard forms incident to the administration of this act and the cost of processing the application. Each application shall also be accompanied by a deposit of a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount of the license fee required to be paid for the kind of license applied for, which license fee shall be returned to the applicant if the application is denied. All registration fees shall be paid into the state treasury by the director and shall be credited to the state general fund. All license fees received by the director, including fees received for licenses to manufacture beer, regardless of its alcoholic content, shall be paid into the state treasury by the director and shall be credited to the state general fund.

(b) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, farm winery or retailer's license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

- (1) For a manufacturer, \$25,000;
- (2) for a spirits distributor, \$15,000;
- (3) for a ~~beer or wine distributor~~ or a retailer, \$2,000;
- (4) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3, \$5,000 for class 4 and \$10,000 for class 5; and
- (5) for a microbrewery or a farm winery, \$2,000.

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(c) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fines and forfeitures which may be assessed against the licensee.

History: L. 1949, ch. 242, § 33; L. 1953, ch. 238, § 4; L. 1958, ch. 50, § 1 (Budget Session); L. 1983, ch. 161, § 9; L. 1985, ch. 170, § 28; L. 1987, ch. 182, § 26; Jan. 1, 1988.

or an amount equivalent to the highest monthly tax liability, as levied by this act, for any of the 12 months immediately prior to renewal of the license; whichever amount shall be greater;

- () for a beer or wine distributor, \$5,000 or an amount equivalent to the highest monthly tax liability, as levied by this act, for any of the 12 months immediately prior to renewal of the license, whichever amount shall be greater.

41-409. Beer or cereal malt beverage manufacturer, distributor or importer; filing of notice; bond; warehouse; brewing specifications. (a) Before commencing or continuing business, every manufacturer of beer or cereal malt beverage, every beer distributor and every importer of beer shall file with the director a notice in writing, which states: (1) The name of the person, company, corporation or firm, (2) the name of the members of any such company or firm, (3) the places of residence of such persons, and (4) a legal description of the premises on which the office of the manufacturer or distributor is situated and of the title thereto and the name of the owner thereof.

~~(b) Every such manufacturer of beer or cereal malt beverage and every beer distributor, on filing notice of the manufacturer's or distributor's intention to commence or continue business as required by this section, shall execute a bond to the state of Kansas to be approved by the director in a sum equal to three times the amount of the tax which, in the opinion of the director, such manufacturer or distributor will be liable to pay during any one month and in no event less than \$5,000 and conditioned that: (1) The manufacturer or distributor will pay, or cause to be paid the taxes or duties required to be paid the state of Kansas under the Kansas liquor control act on all beer or cereal malt beverage made or brewed or distributed by or for the manufacturer or distributor, before it is sold or removed for consumption or sale from the premises owned or controlled by the manufacturer or distributor in such manner and at such time as the director may prescribe pursuant to rules and regulations adopted under the Kansas liquor control act; (2) the manufacturer or distributor will keep, or cause to be kept, books and records and make reports in the manner and for the purposes specified by rules and regulations adopted under the Kansas liquor control act, which shall be open to inspection by the director and the proper agents of the director; (3) the manufacturer or distributor will in all respects faithfully comply with all the requirements of the laws of the state of Kansas and the rules and regulations relating to the manufacture and distribution of beer and cereal malt beverage; and (4) the manufacturer or distributor will execute a new bond once in four years, or whenever required to do so by the director in the amount determined under this subsection, and conditioned as provided by this subsection, which bonds shall be in lieu of any former bond or bonds of such manufacturer or distributor in respect to all liability accruing after its approval by the director.~~

(c) The director may require under rules and regulations adopted as provided in this act that beer and cereal malt beverage be kept, received and withdrawn from bonded warehouses, as other alcoholic liquors are kept, received and withdrawn as provided under the Kansas liquor control act, whenever the director deems that the public interest demands.

(d) No beer or cereal malt beverage manufactured or distributed within this state shall be sold under the provisions of this act until the manufacturers or distributors of such beer or cereal malt beverage furnish satisfactory evidence to the director that such beer or cereal malt beverage is brewed from alcoholic fermentation of an infusion of pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast, and pure water, and are free from all harmful substances, preservatives and adulterants.

History: L. 1949, ch. 242, § 52; L. 1974, ch. 195, § 2; L. 1982, ch. 210, § 2; L. 1987, ch. 182, § 37; L. 1987, ch. 182, § 38; Jan. 1, 1988.

41-502. Collection and payment of tax; tax stamps or crowns; increased bond, when; procedure for paying tax on wine and brandy. Payment of the tax provided for in K.S.A. 41-501 and amendments thereto shall be evidenced by tax stamps or crowns to be affixed to each original package of alcoholic liquor, except wine and brandy, for use in this state. It is the duty of each manufacturer and distributor at wholesale before delivery of any alcoholic liquor, except wine and brandy, to a licensed purchaser to affix a stamp or crown firmly to each original package at the rate of gallonage provided for in such section, in such amounts as the contents of each original package bears to one gallon, subject to all the conditions of K.S.A. 41-401 to 41-409, inclusive, and amendments thereto. The secretary of revenue may adopt rules and regulations pursuant to K.S.A. 41-210 and amendments thereto which: (a) require that such tax stamps or crowns be affixed to each original package of alcoholic liquor, except wine and brandy, at the place where such original package is manufactured or filled; (b) permit the cancellation of attached stamps or crowns by the distributor; and (c) permit credit or replacement to be issued to such distributor for stamps or crowns so canceled or destroyed.

In lieu of the affixture of stamps to each original package as the means of payment or evidencing payment of any of the taxes imposed by K.S.A. 41-501 and amendments thereto, the secretary of revenue may prescribe, by rules and regulations adopted pursuant to K.S.A. 41-210 and amendments thereto and designed to protect the revenue of this state, a method of reporting, paying and collecting such tax on any alcoholic liquors without the use of stamps. ~~The rules and regulations also may provide for a distributor to file a bond greater in amount than that now proscribed by law, the exact amount to be fixed by the director as provided in such rules and regulations, conditioned on the distributor's compliance with the provisions of the act and payment of all taxes, fines and forfeitures which may be assessed against such distributor.~~

If the rules and regulations prescribe a method other than the affixture to original packages of alcoholic liquor of stamps or other visible evidence of the payment of such tax, the tax imposed upon such alcoholic liquor by K.S.A. 41-501 and amendments thereto shall be paid on or before the 15th day of the calendar month next succeeding the month in which the distributor acquires possession of such alcoholic liquors made taxable by the provisions of K.S.A. 41-501 and amendments thereto. The reporting and payment thereof within the time prescribed by this section and in the manner prescribed by the rules and regulations shall constitute a compliance with the provisions of K.S.A. 41-501 and amendments thereto. If the rules and regulations provide for a method of reporting, paying and collecting such tax on alcoholic liquors without the use of stamps, the director, in accordance with rules and regulations adopted by the secretary of revenue pursuant to K.S.A. 41-210 and amendments thereto prior to putting such method into effect, shall require each original container to be marked or identified in some distinctive manner to reflect that such original package was filled and first offered for sale in this state. On and after the effective date of the rules and regulations authorizing the payment of the tax as provided in this section, it shall not be unlawful for the holder of a retailer's license to receive or possess any alcoholic liquor in any original package upon which the stamps evidencing the payment of such tax are not affixed. In the case of wine and brandy, the tax imposed upon such wine and brandy by K.S.A. 41-501 and amendments thereto shall be paid on or before the 15th day of the calendar month next succeeding the month in which the distributor acquires possession of such wine and brandy made taxable by the provisions of such statute. The recording and payment thereof, within the time prescribed by this section and in the manner prescribed by the secretary of revenue, shall constitute compliance with the provisions of such statute. Notwithstanding any other provision of this act to the contrary, the affixation of stamps or crowns shall not be required, nor shall it be required that either the original package or shipping container of wine and brandy be marked in a distinctive manner to reflect that such original package or shipping container was filled and first offered for sale in this state.

History: L. 1949, ch. 242, § 54; L. 1953, ch. 238, § 7; L. 1958, ch. 14, § 3 (Special Session); L. 1973, ch. 200, § 1; L. 1983, ch. 161, § 13; L. 1985, ch. 170, § 11; July 1.