

Approved April 3, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Gus Bogina at
Vice- Chairperson

1:35 ~~am~~/p.m. on March 26, 1991 in room 531-N of the Capitol.

~~Members~~ members present: Senators Oleen, Bogina, Gaines, Francisco, Kanan,
Moran, Strick and Vidricksen

Committee staff present:

Julian Efird, Kansas Legislative Research Department
Fred Carman, Revisor of Statutes Office
Mary Allen, Committee Secretary

Conferees appearing before the committee:

Lori Callahan, Kansas State Board of Technical Professions
John Young, Kansas Society of Land Surveyors
George Barbee, Kansas Consulting Engineers
James Kaup, League of Kansas Municipalities
Bill Henry, Kansas Engineering Society
Trudy Aron, American Institute of Architects

The meeting of the Senate Committee on Governmental Organization was called to order at 1:35 p.m. by the Vice-Chairman, Senator Gus Bogina, who opened the hearing on SB 380.

Senate Bill 380 - Concerning the technical professions.

Lori Callahan, attorney for the Kansas State Board of Technical Professions, appeared before the Committee in support of SB 380. She stated that since 1976, when the four technical professions, architecture, engineering, land surveying and landscape architecture, reunified in one Board, inconsistencies have existed in laws which have resulted in the inability of the Board of Technical Professions to discipline those who have violated the intent and the purpose of the Board which is to protect the public health, safety and welfare. Ms. Callahan noted that SB 380 is intended to resolve these inconsistencies. She listed and described the essential goals and primary objectives of SB 380 in seven categories as follows:

- (1.) Defines the practice of each of the professions in such a way that the Board may bring action against those unlicensed individuals who are practicing in the four professions.
- (2.) Requires a college degree for each of the professions.
- (3.) Establishes a title law so that individuals are not only precluded from practicing the technical professions if they are unlicensed, but also precluded from using the title if they are unlicensed.
- (4.) Strengthens the ability of the Board to prohibit the unauthorized and unlicensed practice of the profession by non-licensed individuals.
- (5.) Clarifies what activities are exempt from licensure.
- (6.) Disallows the unlicensed practice of the technical professions by corporations.
- (7.) Clarifies the authority of building code officials.

Ms. Callahan told the Committee that numerous individuals and groups have worked with the Board of Technical Professions since 1989, to reach a compromise position on issues, which position is reflected in SB 380. She noted, however, that two issues of concern remain unresolved. The first issue, she said, is the number of land surveyors on the Board of Technical Professions. She observed that currently the Board is composed of three engineers, three architects, one land surveyor and one landscape architect. She stated that SB 380 provides for an increase in land surveyors on the Board to three members. She said that it is the position of the Board that the current composition works well and that additional members would cause additional scheduling problems. The second issue, she noted, is that

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,
room 531-N, Statehouse, at 1:35 ~~a~~m./p.m. on March 26, 1991.

current law provides that state agencies and municipalities are not required to utilize licensed professions; however, under SB 380, this exemption has been eliminated thus having the effect of requiring that all state agencies and municipalities utilize the services of licensed individuals. Ms. Callahan told the Committee that the Kansas Department of Transportation (KDOT) is concerned that, under the provisions of SB 380, everyone currently doing its land surveying would have to be licensed. She noted that the Board of Technical Professions is not advocating that any agency should be allowed to have unlicensed people practice any of the technical professions; but, under SB 380, as long as there is an adequate level of direct supervision and control there is the ability for licensed individuals to review, inspect and O.K. the work of unlicensed individuals. She emphasized that this does not mean that unlicensed individuals can practice the professions. (Attachment 1)

In conclusion, Ms. Callahan provided the Committee with a chart showing the number of total active/current licenses and percentages for the Kansas State Board of Technical Professions. (Attachment 2)

Vice-Chairman Bogina pointed out that there is an apparent drafting error in SB 380 in the section concerning the composition of the Board. He stated that it was his understanding that it was intended that the bill should provide that the composition of the Board would be four engineers, two land surveyors, one landscape architect, three architects and three members of the general public.

The second conferee in support of SB 380 was John Young, Legislative Committee Chairman of the Kansas Society of Land Surveyors. Mr. Young discussed the two years of negotiations which resulted in SB 380 and noted that throughout that process of negotiating the Kansas Society of Land Surveyors repeatedly presented well founded positions to demonstrate that protection of the public in Land Survey matters requires the following: (1.) An equal number of land surveyors, engineers and architects on the Board; (2.) A four year degree in Land Survey as part of the licensing requirements by 1996; and, (3.) Elimination of exemptions from land survey licensure. In conclusion, Mr. Young stated that SB 380, as currently written, will be of significant benefit to the people of Kansas; however, he requested that the Committee possibly consider providing that the Board include three public members and three landscape architect members. (Attachment 3)

George Barbee, Executive Director of the Kansas Consulting Engineers (KCE), spoke in support of SB 380. He discussed the two issues which have not been resolved in the bill, the structure of the Board of Technical Professions and the exemption for land surveyors which has been deleted. He noted that KCE feels that the present structure of the Board is adequate and seems to fit the administrative demands and the needs of the numbers of licensed professionals. He stated that if the number of Board members is increased, KCE would support a number based on the ratio of licensed professions. Concerning the second issue, KCE, he said, supports the retention of the exemption for land surveyors for KCE fears that the elimination of that exemption could cause the Kansas Department of Transportation some administrative problems that could impede the progress of the current highway program. (Attachment 4)

The next conferee to speak on SB 380 was Jim Kaup, General Counsel for the League of Kansas Municipalities, who offered several amendments relevant to the bill's impact upon local governments. He expressed concern about the bill's apparent requirement of licensure or certification by the Board of Technical Professions of an unknown number of city officials and employees and about the duties mandated, in Section 24 of the bill, upon local governments regarding the approval of "technical submissions" and the issuance of building permits. Regarding the League's concern over the suggested broadening of licensure and certification requirements, he observed that this represents state mandates restricting the operation of local governments and, as such, are contrary to Home Rule. Further, he said, that a broadened licensure and certification requirement can be expected to not only drive up the cost of providing governmental services, but is likely to affect smaller communities and rural areas the worst. Mr. Kaup suggested an

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amendment to SB 380 to address the issue of certification and licensure (Attachment 5). He questioned how Section 24, concerning local building codes, of SB 380 would work "in the real world" and observed that the most likely consequences of this Section will be the decision by cities to reconsider whether adopting and enforcing a building code is worth the risks. Mr. Kaup said that it is the League's preference that Section 24 be deleted from SB 380 in its entirety and that Section 25 be amended to prohibit the Board from assessing fines and costs that would be paid by local taxpayers. He suggested an alternative approach for Section 24 to be to amend that Section by adding a new sentence to page 21, line 26 to read "The acceptance or approval of technical submissions or the issuance of a building permit by a public official, contrary to the provisions of this act, shall not create liability upon the public official or the official's governmental agency." (Attachment 5)

William Henry, Executive Vice-President of the Kansas Engineering Society, spoke to the Committee in support of SB 380. Mr. Henry said that he has two concerns with the bill. The first, he stated, concerns the composition of the Board for the Society supports the status quo representation on the Board; however, if there is an increase in representatives, the Society would support a proportional increase in engineering representation based upon the number of current licenses held by architects, engineers, land surveyors and landscape architects. Mr. Henry discussed his second concern and observed that the Kansas Engineering Society realizes the difficulty the elimination of the state exemption to the land surveying law, now enjoyed by the Kansas Department of Transportation, would create for KDOT while it is engaged in carrying out the 1989 Highway Plan; therefore, the Society supports any amendment which would solve this difficulty for KDOT. (Attachment 6)

The final conferee in support of SB 380 was Trudy Aron, Executive Director of the American Institute of Architects in Kansas (AIA Kansas). Ms. Aron said that AIA Kansas especially supports the new Sections 24 and 25 which will aid the Board in their enforcement activities. (Attachment 7)

Written testimony was submitted in support of SB 380 by Thomas Colgrove, President Elect of the Prairie Gateway Chapter of the American Society of Landscape Architects. (Attachment 8)

The meeting was adjourned by Vice-Chairman Bogina at 2:15 p.m.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE March 26, 1991

NAME	COMPANY / ORGANIZATION	ADDRESS
Lari Callahan	Ks. Bd. of Tech. Prof.	Topeka
Betty Ross	Ks. St. Bd. of Tech. Prof.	Topeka
Jeff Montague	NOB	
Jillie McMill	Ks. Cooperation Commission	Topeka
Brian Meline	" "	" "
Tom Day	" "	" "
Judy Cron	Am Inst of Architects	Topeka
Speler Stephen	KSL S	PV
George Barber	Ks Consulting Eng'rs	Topeka
Marshall Clark	H Z C	Topeka
Mike Peters	KEC	Topeka
TREVA POTTED	PEOPLES NAT. GAS	"
Mike Lackey	KDOT	"
John Young	KSL S	
Jim Kamp	League of Municipalities	Topeka



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(913) 296-3053

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

TO: Senate Governmental Organizations Committee
FROM: Lori M. Callahan, Attorney
Kansas State Board of Technical Professions
SUBJECT: S.B. 380
DATE: March 26, 1991

The Kansas State Board of Technical Professions supports S.B. 380. The Kansas State Board of Technical Professions governs the practice of architecture, engineering, land surveying and landscape architecture in the state of Kansas. S.B. 380 is similar to S.B. 104, which was proposed by the Kansas State Board of Technical Professions in the 1989 Legislative Session.

Since 1976 when the four technical professions reunified in one Board, inconsistencies have existed in laws which have resulted in the inability of the Board of Technical Professions to discipline those who have violated the intent and the purpose of the Board, which is to protect the public health, safety and welfare. S.B. 380 is intended to resolve these inconsistencies and to make the Board a more sufficient guardian of the public health, safety and welfare. The essential goals and primary objectives of S.B. 380 are the following:

*Senate Committee on Governmental Organizations
3-26-91
Attachment 1*

1. Define practice. To define the practice of each of the professions in such a manner so that the Board may bring action against those unlicensed individuals who are practicing in the four professions. The vague definitions of the professions as they currently exist have resulted in the court's finding that the individuals have not been put on sufficient notice by the statute that the activities they have engaged in are in fact professional activities and, therefore, have allowed the unlicensed practice of the professions.

2. Require a college degree for each of the professions. Few states continue to allow individuals to be licensed without obtaining some type of post-high school education. This would increase the professionalism, and in the Board's opinion, reduce incompetency and misconduct in the practice of the technical professions.

3. Establish a title law. Currently in the state of Kansas, the law is not clear as to whether individuals may use the title of architect, engineer, land surveyor or landscape architect as long as they do not practice in those areas. This is misleading to the public in that the public believes if an individual utilizes the title of one of the technical professions, they are in fact licensed. S.B. 380 would clarify that individuals are not only precluded from practicing the technical professions if they are unlicensed, but are also precluded from using the title if they are unlicensed.

4. Strengthen the ability of the Board to prohibit the unauthorized and unlicensed practice of the professions by non-licensed individuals. Currently, individuals may be tried criminally by their local district attorney if they practice any of the technical professions without a license. Overburdened county attorneys, coupled with the vague definition of the professions, has resulted in county attorneys declining to prosecute those in their county who practice the technical professions without a license. S.B. 380 would strengthen the Board's ability to bring a civil action to enjoin individuals from such activity.

5. Clarify what activities are exempt from licensure. Currently, the statutes provide that individuals who perform certain types of renovations need not be licensed. The definitions utilized in the statute in some instances are such that even on the simplest of renovation projects, the involvement of a licensed individual would be required, while on the other hand in very complex renovations, a licensed individual's involvement is not required. S.B. 380 would utilize the definition of codes currently used by building code officials, such as the life safety code, to define when a licensed individual's involvement is needed and when it is not.

6. Disallow the unlicensed practice of the technical professions by corporation. Under the current corporate practice section of the statutes governing the technical professions, any corporation which has on its Board a licensed individual, is

allowed to practice the technical professions. Many cases have been litigated by the Board where the licensed technical professional merely showed up for annual meetings and no other involvement other than being paid a minimal fee for the use of their name as a corporate officer. S.B. 380 would provide that corporations may only practice the technical professions if the licensed individual was in fact an active participant in the corporation.

7. Clarify authority of building code officials.

Currently, the Board of Technical Professions receives numerous phone calls from the various building code officials throughout the state of Kansas. These code officials are unclear as to whether they are required to issue building permits based upon plans which in their opinion require the seal of a technical professional when that seal is missing. S.B. 308 would provide that building code officials would require that all plans submitted to them either bear the seal of an individual in the technical professions, or if no seal is provided on the submission, then the individual would be required to submit to the building code official an affidavit as to why in the individual's opinion they are exempt from utilizing the services of a technical professional. The Board would then collect these affidavits on a regular basis, review them and could more effectively prosecute the unlicensed practice of the professions.

In 1989, numerous individuals testified before the Senate Federal and State Affairs Committee regarding their concerns with S.B. 104. Throughout 1989 and 1990, these groups have worked together with the Board of Technical Professions to reach a compromise position on this bill. These compromises are reflected in S.B. 380. Two issues of concern, however, remain unresolved.

The first issue of concern is the number of land surveyors on the Board of Technical Professions. Currently, the Board is composed of three engineers, three architects, one land surveyor and one landscape architect. S.B. 380 provides for an increase in land surveyors to three members. Since the number of engineers and architects is so much greater than that of land surveyors in the state of Kansas, engineers and architects have objected to an increase in the number of land surveyor members on the Board. The Board itself is of the position that the Board works well in its current composition and that additional members would cause additional scheduling problems for the Board. Additionally, the Board is not merely one strictly of expertise, but due to the decision of the legislature to place a public member on the Board, the composition of the Board has always been a mix of representation based roughly on the number of members of each profession licensed by the Board, as well as the public interest, which is the purpose of the existence of the Board.

The other concern is that the current law provides that state agencies and municipalities are not required to utilize licensed professionals. Under Substitute for S.B. 380, this exemption has been eliminated, which would have the effect of requiring that all state agencies and municipalities utilize the services of licensed individuals.

Many groups, including code officials, public groups and societies representing the technical professions, support the primary goals and objectives of S.B. 380. The revamping of the laws governing the Board of Technical Professions is long overdue. For these reasons, the Board supports S.B. 380.



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(913) 296-3053

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

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS As of 3/91

	Total Active/Current Licenses	Percentages
PROFESSIONAL ENGINEERS	7,570	68%
LAND SURVEYORS	878	8%
ARCHITECTS	2,319	21%
LANDSCAPE ARCHITECTS	372	3%
TOTALS	11,139	100%

*Senate Committee on Governmental Organization
3-26-91
Attachment 2*



KANSAS SOCIETY OF LAND SURVEYORS

Affiliated With the American Congress on Surveying and Mapping

Statement on Senate Bill 380
to
Senate Governmental Organization Committee

The Kansas Society of Land Surveyors support S.B. 380 as currently written without reservation.

When the process of rewriting this collection of statutes began several years ago there were three goals:

- 1) To update the statutes to reflect today's needs;
- 2) To improve the Board of Technical Professions' enforcement powers;
- 3) To provide uniformity in the laws governing the affected professions.

With the exception of providing for only one public member and one landscape architect member on the Board, the bill as written fully accomplishes those goals.

There have been two years of negotiations regarding the make up of this legislation. Throughout that process the Kansas Society of Land Surveyors has repeatedly presented well founded positions demonstrating that protection of the public in Land Survey matters requires:

- 1) An equal number of land surveyors, engineers and architects on the Board;
- 2) A four year degree in Land Survey as part of the licensing requirements by 1996;
- 3) Elimination of exemptions from land survey licensure.

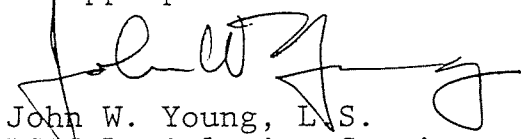
Our professional ethics dictate that these positions are based on what best protects the public in matters of Land Survey. Our professional ethics prevent us from taking active positions on whether exemptions from engineering or architectural licensure are appropriate, whether a four year degree is an appropriate requirement for licensure in those professions, and similar issues outside our area of practice.

Our professional expertise is in Land Survey. We understand what the Land Survey profession needs to appropriately deliver our services to the public. We understand that the public is not well served if we or any other profession has a voting advantage on the Board of Technical Professions.

Senate Bill 380 as currently written will be of significant benefit to the people of Kansas. We prevail upon your good judgement and sense of fairness in not altering this bill in

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3-20-91
Attachment 3

any way, except possibly to provide for three public members
and three landscape architect members should you feel that
is appropriate.



John W. Young, L.S.
LSLS Legislative Committee Chairman

JWY:jes



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

Date: March 25, 1991
To: Senate Governmental Organization Committee
From: George Barbee, CAE
Executive Director
Subj: Senate Bill 380

Madam 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 of approximately 60 engineering firms performing professional design services in Kansas. These firms employ an aggregate of approximately 5,000. Many of those are licensed professional engineers, architects, landscape architects, and land surveyors. The KCE board of directors has directed me to appear today in support of Senate Bill 380. That is a major change in position since we first appeared on this bill in 1989 at which time we were opposed to the bill because of several areas of disagreement with other design professionals represented in the bill. I am pleased to say that all the professionals have worked out compromises on those disagreements except with the land surveyors when two issues remain.

The first issue is the structure of the Board of Technical Professions. The members of the board are presently 3 architects, 3 engineers, 1 land surveyor, 1 landscape architect and 1 public-at-large member for a total of 9 members. That has been an adequate number for several years and seems to fit the administrative demands and the needs of the numbers of licensed professionals which is currently 2,295 architects, 7,370 engineers, 850 land surveyors, 400 landscape architects. The design professionals represented by the Board of Technical Professions are inter-related and complaints that are found to have merit for a full hearing or acted on by the 9 members of the Board. If it is deemed essential to increase the number of the board members, KCE would support a number based on the ratio of licensed professionals.

Senate Committee on Governmental Organization
3-26-91
Attachment 4

AFFILIATED WITH:

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

The second issue is the exemption for land surveyors that has been deleted on page 19, line 34 - 36. KCE supports the retention of that exemption. We have a fear that the elimination of the exemption could cause the Kansas Department of Transportation some administrative problems that could impede the progress of the current highway program now underway. KDOT informs us that they do not have licensed land surveyors in all areas of the state. However, they do have several professional engineers that are certainly capable of performing the mathematical land surveying duties required to move a project toward and through the construction phase. It is my understanding that KDOT may propose amendments to this subject. KCE would support the amendment if it would satisfy the problems faced by the Kansas Department of Transportation in implementing the highway program.

The related design professions have been working toward agreement on amendments to the licensing law for several years. With the enactment of SB-380 we would have a statute that would enable the Board to police the profession and administer the licensing aspects in an effective manner as they meet the charge of the state policy to protect the public's health, safety and welfare.

We urge you to retain the current make-up of the Board and adopt the amendments to solve the problems that are caused by the deletion of the land surveyors exemption and to subsequently report SB-380 favorable for passage.



League of Kansas Municipalities

Municipal Legislative Testimony

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Governmental Organization
FROM: Jim Kaup, League General Counsel
RE: SB 380; Technical Professions
DATE: March 26, 1991

I. League Position on SB 380

The League appears on SB 380 to offer several amendments relevant to the bill's impact upon local governments. Specifically, the League is concerned about (1) the bill's apparent requirement of licensure or certification by the Board of Technical Professions of an unknown number of city officials and employees, and (2) the duties mandated, by Section 24, upon local governments regarding the approval of "technical submissions" and the issuance of building permits.

II. Local Government Officers and Employees "Practicing the Technical Professions"

A. Public Officers and Employees Brought Under the Board's Jurisdiction by SB 380.

The League's reading of SB 380 leads us to the conclusion that it is intended to classify much of the work now performed in city engineering, planning and public works departments as "practicing the technical professions".

1. Architects. As proposed by Section 1 of SB 380, public officials and employees who engage in the following tasks may find themselves required to be licensed by the Board as architects:

- "...consultation, evaluation, planning, providing preliminary studies and designs, ...the preparation of drawing, specifications and related documents, all in connection with the construction or erection of any private or public building..."
(Pg. 1, lines 37:41)
- "...observing the construction, alteration and erection of buildings."
(Pg. 2, lines 3:4)
- "...preparation and certification of any architectural design features that are required on plats..."
(Pg. 2, lines 13:14)

2. Landscape Architects. The amendments to K.S.A. 74-7003 redefining landscape architects would affect public officials and employees who engage in:

- "...the preparation and certification of any landscape architectural design features that are required on plats..."

(Pg. 2, lines 28:29)

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3-26-91
Attachment 5*

3. Professional Engineers. SB 380 expands the current definition of the practice of engineering to include:

- "...engineering surveys and studies, the observation of construction for the purpose of assuring compliance with drawings and specifications..."
(Pg. 3, lines 13:15)
- "...the preparation and certification of any engineering design features that are required on plats..."
(Pg. 3, lines 17:18)
- "...(service or creative work) which embraces such service or work, either public or private, for any utilities, structures, buildings...insofar as the involve safeguarding life, health or property..."
(Pg. 3, lines 18:25)

4. Land Surveyor. The practice of land surveying, as redefined in SB 380, would require licensure by the Board as a land surveyor of anyone undertaking:

- "...the preparation of plats of land and subdivisions thereof, including the topography, rights-of-way, easements and any other boundaries that affect rights to or interests in land..."
(Pg. 4, lines 10:12)
- "...the preparation of the original descriptions of real property for the conveyance of or recording thereof and the preparation of maps, plats and field note records that represent these surveys..."
(Pg. 4, lines 14:16)

The League is concerned about these consequences of SB 380, primarily because they represent state mandates restricting the operation of local governments, and as such are contrary to Home Rule. The League also notes that a broadened licensure and certification requirement can be expected to not only drive up the cost of providing governmental services, it is likely to affect smaller communities and rural areas the worst—as those places have fewer resources, including people, to draw from to meet the mandates of SB 380.

B. League Amendment.

The League suggests the following amendment to address the issue of certification and licensure:

"New Sec. _____. For purposes of this act, public officers and employees who, within the scope of their employment and in the discharge of their public duties, assist in the preparation of, or review of the sufficiency of, technical submissions, or who inspect property or buildings for compliance with requirements safeguarding life, health or property, are not engaged in the practice of the technical professions."

III. Local Government Approval of Technical Submissions

A. Section 24 (Mandates) and Section 25 (Penalties)

Section 24 prohibits local building code enforcement officials from accepting or approving "any technical submissions involving the practice of the technical professions" unless such have been stamped with the technical professional's seal or the applicant has certified that an exception exists allowing preparation of the submissions by an unlicensed person. The section goes on to invalidate any "building permit...which does not conform to the requirements of this act".

The League has as many questions as concerns regarding how Section 24 would work in the real world. The most likely (and we are sure unintended) consequence of Section 24 will be the decision by cities to reconsider whether adopting and enforcing a building code is worth the risks. We fear that many cities will simply remove the local requirement of building in compliance with an adopted code, especially when faced with the possibility of civil fines against the city of up to \$15,000, such as are allowed under Section 25.

An additional issue arises from the "invalidation", by Section 24, of locally-issued building permits which do not comply with SB 380. Will such an issuance create liability for the public when a permit has been issued and relied upon by the builder or property owner?

B. League Amendments to Section 24 and 25

The League's preference would be for Section 24 to be deleted in its entirety and Section 25 amended to prohibit the Board from assessing fines and costs that would be paid by local taxpayers--i.e. no fines or costs should be assessed against local governments.

An alternative approach, for Section 24, would be to amend that section by adding the following new sentence to pg. 21, line 26:

"The acceptance or approval of technical submissions or the issuance of a building permit by a public official, contrary to the provisions of this act, shall not create liability upon the public official or the official's governmental agency."

IV. Conclusion

The League respectfully requests this Committee's consideration of the above amendments to SB 380.



Kansas Engineering Society, Inc.

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

Testimony on Senate Bill 380 for the Senate Committee on Governmental Organization March 26, 1991

Madam Chairman, members of the committee, I am Bill Henry, the Executive Vice President of the Kansas Engineering Society and I appear before you today on behalf of more than 900 licensed engineers who practice their profession in private practice, government, industry, education and construction in Kansas.

The Kansas Engineering Society supports the passage of SB 380 because it updates the practice codes of all the technical professions and gives the Board of Technical Professions more enforcement tools to protect the public health and safety of all Kansas.

SB 380 represents a compromise among several professions. The Kansas Engineering Society has only two concerns with the bill.

First, as the Board of Technical Professions' counsel has related, the increase of the number of land surveyors from one to three was an error in drafting. The Kansas Engineering Society supports the status quo representation on the Board.

However, if the committee is convinced the surveyors need an increase in representation the Society would support a proportional increase in engineering representation based upon the number of current licenses held by architects, engineers, land surveyors and landscape architects.

Two-thirds of the total current licenses granted by the Board are to professional licensed engineers.

There are twice more current engineering licenses in effect and paid for than the total of the remaining professional licenses governed by the Board.

SB 380 also eliminated the state exception to the land surveying law now enjoyed primarily by the Kansas Department of Transportation. We understand the land surveyors' reasoning for this elimination, but we also realize the difficulty it creates for KDOT while it is engaged in carrying out the 1989 Highway Plan passed by you.

Therefore the Kansas Engineering Society supports any amendment that would solve this difficulty for KDOT and ensure that department's completion of the 1989 Highway Plan.

Respectfully Submitted,

William M. Henry
Executive Vice President
Kansas Engineering Society

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William M. Henry, J.D.

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Salina



AIA Kansas

A Chapter of The American Institute of Architects



March 26, 1991

TO: Senator Oleen and Members of the Senate Governmental Organizations Committee

FROM: Trudy Aron

RE: **SUPPORT FOR SB 380**

1991 Executive Committee

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Shannon Ferguson-Bohm, AIA
Director • Wichita

Richard A. Backes, AIA
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K. Vance Kelley, AIA
Director • Topeka

Ronald E. Frey, AIA
Director • Manhattan

Edward M. Koser, AIA
Past-President • Wichita

Renè Diaz, AIA
KU Liaison • Lawrence

Trudy Aron
Executive Director

Madam Chair and Members of the Governmental Organizations Committee, I am Trudy Aron, Executive Director of the American Institute of Architects in Kansas (AIA Kansas). Thank you for the opportunity to appear before you today in support of SB 380.

The bill before you is the culmination of a multi-year effort on the part of the Board of Technical Professions and the four professions it regulates.

This bill defines the various professions and streamlines and coordinates the requirements for the four professions under the Board. While I won't go into the changes, we do want you to know that compromises have been made by all of the professions and we now agree with the definitions in the bill.

We especially support the new Sections 24 and 25 which will aid the Board in their enforcement activities. Section 24 will allow the local code official to stop many potential violations of the law before they occur. The authority of the Board to assess civil fines will help in their enforcement activities, especially against those who repeatedly violate the law.

We urge you to support SB 380. I will be happy to answer any questions you may have at this time.

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3-26-91
Attachment 7*



American
Society of
Landscape
Architects
Prairie
Gateway
Chapter

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March 22, 1991

POSITION STATEMENT ON SENATE BILL No. 380

The Prairie Gateway Chapter of the American Society of Landscape Architects representing landscape architects residing in the State of Kansas strongly support this legislation. This bill represents a number of compromises that were proposed, discussed and resolved by Kansas residents as members of their respective professional associations. It includes necessary and needed revisions that impact the practice of each of these professions in accordance with the purpose that originated this licensing legislation.

The present version of Senate Bill No. 380 has included expanding the representation of Land Surveyors to the Board Membership, K.S.A. 74-7005. If increasing the appointments to the Kansas State Board of Technical Professions is determined by the Legislature to be in the Public's best interest, it must assure fair and equitable representation for Landscape Architects and the Public.

PRAIRIE GATEWAY CHAPTER / ASLA


Thomas M. Colgrove, ASLA
President-Elect

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3-26-91
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