

Approved April 26, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Lana Oleen at
Chairperson

2:05 ~~am~~/p.m. on April 3, 1991 in room 531-N of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Oleen, Bogina, Francisco, Kanan, Moran 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:

Linda McGill, Knasas State Troopers Association

The meeting of the Senate Committee on Governmental Organization was called to order by the Chairman, Senator Lana Oleen, at 2:05 p.m. The Chairman called for discussion on HB 2159.

House Bill 2159 - Highway patrol, allowing other employment.

The Committee expressed the concern that as written, HB 2159 would prohibit a member of the highway patrol from working in a job where there was state-owned equipment on the premises.

Senator Francisco moved that HB 2159 be amended on page 2, line 24, by adding after the word "equipment" the words "provided by the Kansas Highway Patrol".
Senator Kanan seconded the motion. The motion carried.

In answer to a question from the Chairman concerning the provision in HB 2159 which prohibits a member of the highway patrol from accepting employment from a licensee of the Director of Alcohol Beverage Control, Linda McGill, Kansas State Troopers Association (KSTA), told the Committee that this provision was placed in the bill in the House Governmental Organization Committee at the request of the KSTA.

Senator Bogina presented a proposed amendment to HB 2159 (Attachment 1) which, he said, concerns the assistant superintendent of the Kansas Highway Patrol and which provides that the position of assistant superintendent be removed from the classified service except that the assistant superintendent now serving on the effective date of the act shall be appointed to this position by the superintendent. It further provides that when the position bcomes vacant, folowing the retirement of the present assistant superintendent, the assistant superintendent would be appointed by the superintendent from among the members of the patrol to serve at the pleasure of the superintendent. Upon termination of the term of assistant superintendent, he or she would be returned to a rank not lower than the rank such person held when appointed as assistant superintendent.

Senator Bogina moved that HB 2159 be amended as shown in Attachment 1. Senator Moran seconded the motion. The motion carried.

Senator Bogina moved that HB 2159, as amended, be reported favorably for passage. Senator Moran seconded the motion. The motion carried.

The Chairman called the attention of the Committee to HB 2213.

House Bill 2213 - Gender balance in appointments to state boards.

Staff reported that Senator Audrey Langworthy, as Chairman of the LEPC and the Confirmations Committee, has requested that staff prepare for submission to the

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,
room 531-N, Statehouse, at 2:05 ~~a.m.~~/p.m. on April 3, 1991

National Conference of State Legislatures (NCSL) a grant proposal which, if awarded, would become a part of the Confirmations review scheduled for Interim Study this summer. Staff noted that this Interim review will look at some of the issues related to higher education, particularly the Board of Regents, the changes occurring due to the decrease in the number of Congressional Districts in Kansas and the possible ramifications of the House Bill which deals with race, gender and other concerns in appointments to state entities. Staff said that another proposal to be studied in this Interim review is examination of the confirmations process, particularly how it can improve the quality and number of people who are available to serve on appointed bodies.

Senator Vidricksen moved that HB 2213 be recommended for Interim Study by the Confirmations Committee. Senator Kanan seconded the motion. The motion carried.

The Chairman announced that she has requested that HB 2213 be re-referred to the Confirmations Committee for study.

The Committee turned its attention to HB 2214.

House Bill 2214 - Chairperson of House committee on Interstate cooperation.

Senator Francisco requested that the Committee remove its amendment to HB 2214, made at a previous meeting, which provided that the Speaker of the House and the President of the Senate, not their designees, serve on the Interstate Cooperation Committee.

Senator Bogina moved that the Committee reconsider its action on HB 2214. Senator Kanan seconded the motion. The motion carried.

Senator Francisco moved that HB 2214, as reported from the House of Representatives, be recommended favorably for passage. Senator Kanan seconded the motion. The motion carried.

Senate Bill 380 - Amendments concerning licensure of technical professions.

Staff provided and explained copies of a balloon version of SB 380. (Attachment 2) He said that this balloon version contains a restructuring of the membership of the Board of Technical Professions to include four licensed engineers, one of which shall also be licensed as a land surveyor as well as a licensed engineer, two licensed land surveyors, three licensed architects, one licensed landscape architect and three members of the general public. Another change in SB 380 contained in the balloon version removes the requirement until July 1, 1996, that a land surveyor graduate from a college or university. Staff said that the balloon version also contains the two amendments requested by the League of Kansas Municipalities on pages 19 and 21. Staff pointed out that the balloon version also contains provisions on page 18 that Kansas Department of Transportation (KDOT) employees would have a dispensation from the requirements in land surveying until 1996.

Chairman Oleen requested that SB 380 also contain a provision that a member of the public shall be on each sub-section of the Board of Technical Professions. A member of the Committee expressed concern that passage of this balloon version would force a university to offer a four-year course in land surveying; further, he expressed the belief that the problem of KDOT land surveyor employees had been solved. He pointed out that on page 12, in line 8, after the word "experience" the words "or education, or a combination thereof," should be added.

The Chairman announced that action on SB 380 would be deferred to another meeting of the Committee.

Senator Bogina moved that the minutes of the March 26, 1991, meeting of the Committee be approved. Senator Vidricksen seconded the motion. The motion carried.

Senator Francisco moved that the Committee introduce bill draft 1 RS 1510 (Attachment 3). Senator Moran seconded the motion. The motion carried.

The meeting was adjourned at 2:35 p.m. by Chairman Oleen.

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Section 1. K.S.A. 74-2113 is hereby amended to read as follows: 74-2113. (a) There is hereby created a Kansas highway patrol. The patrol shall consist of: (1) A superintendent, who shall have the rank of colonel and who shall have special training and qualifications for such position; (2) an assistant superintendent, who shall have the rank of lieutenant colonel; and (3) officers and troopers who are appointed in accordance with appropriation acts and as provided in this section. The superintendent and assistant superintendent shall be within the unclassified service under the Kansas civil service act. The assistant superintendent serving on the effective date of this act shall be appointed to such position by the superintendent. Thereafter, the assistant superintendent shall be appointed by the superintendent from among the members of the patrol, and shall serve at the pleasure of the superintendent. If a person appointed as superintendent or assistant superintendent is a member of the patrol when appointed, such person in each case, upon termination of the term as superintendent or assistant superintendent, respectively, shall be returned to a rank not lower than the rank such person held when appointed as superintendent or assistant superintendent. If such rank is filled at that time, a temporary additional position shall be created in such rank until a vacancy occurs in such rank. ~~The assistant--superintendent--and~~ All other officers, troopers and employees shall be within the classified service under the Kansas state civil service act.

(b) The superintendent of the patrol shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto, and shall receive an annual salary fixed by the governor. The assistant superintendent shall receive an annual salary fixed by the superintendent and approved by the governor.

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Attachment 1

1 (1) The performance of any professional service, the adequate
 2 performance of which involves the application of special knowledge
 3 and experience in the principles of mathematics, the related physical
 4 and applied sciences, the relevant requirements of law and the meth-
 5 ods of surveying measurements in measuring and locating of lines,
 6 angles, elevation of natural and man-made features in the air, on
 7 the surface of the earth, within underground workings and on the
 8 bed of bodies of water for the purpose of determining areas, volumes
 9 and monumentation of property boundaries;

10 (2) the preparation of plats of land and subdivisions thereof,
 11 including the topography, rights-of-way, easements and any other
 12 boundaries that affect rights to or interests in land, but excluding
 13 features requiring engineering or architectural design;

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

17 (4) the teaching of land surveying by a licensed land surveyor
 18 in a college or university offering an approved land surveying cur-
 19 riculum of four years or more.

20 (l) "Person" means a natural person, firm, corporation or
 21 partnership.

22 (m) "Plat" means a diagram drawn to scale showing all essential
 23 data pertaining to the boundaries and subdivisions of a tract of land,
 24 as determined by survey or protraction. A plat should show all data
 25 required for a complete and accurate description of the land which
 26 it delineates, including the bearings (or azimuths) and lengths of the
 27 boundaries of each subdivision.

28 Sec. 2. K.S.A. 74-7005 is hereby amended to read as follows:
 29 74-7005. (a) Membership of the board shall be as follows:

30 (1) ~~Three~~ (3) members of the board shall have been engaged
 31 in the practice of engineering, as defined in this act, for at least
 32 five eight years; ~~one~~ (1) member and shall be licensed engineers.
 33 At least one of such members shall be engaged in private practice
 34 as an engineer.

35 (2) ~~Three~~ members shall have been engaged in the practice of
 36 land surveying, as defined in this act, for at least five years; eight
 37 years and shall be licensed land surveyors.

38 (3) Three (3) members shall be licensed architects of recognized
 standing and shall have been engaged in the practice of the profession
 of architecture, as defined in this act, for at least ten eight years,
 41 which practice shall include responsible charge of architectural work
 42 as principal;

43 (4) One (1) member shall be a licensed landscape architect, as

Four

At least one of such members shall also be licensed as a land surveyor, as well as a licensed engineer.

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Attachment 2

1 defined in this act, and shall have been engaged in the practice
 2 of landscape architecture for at least seven *eight* years, which prac-
 3 tice shall include responsible charge of landscape architectural work
 4 as principal; and.

5 (5) ~~One (1) member~~ shall be from the general public of this
 6 state.

7 (b) Each member of the board shall be a citizen of the United
 8 States and a resident of this state.

9 (c) *The amendments to this section shall not be applicable to any*
 10 *member of the board who was appointed to the board and qualified*
 11 *for such appointment under this section prior to the effective date*
 12 *of this act.*

13 Sec. 3. K.S.A. 74-7006 is hereby amended to read as follows:
 14 74-7006. The members of the first board shall be appointed
 15 within sixty (60) days after the effective date of this act, to
 16 serve for the following terms: One member of the board shall
 17 be appointed to serve for one (1) year, two for two (2) years,
 18 three for three (3) years, and three for four (4) years. The term
 19 of each board member, first appointed hereunder, shall com-
 20 mence on the day this act becomes effective. Whenever a vacancy
 21 shall occur in the membership of the board by reason of the expi-
 22 ration of a term of office, the governor shall appoint a successor of
 23 like qualifications. All appointments made subsequent to those
 24 herein first specified shall be for a term of four (4) years, but no
 25 member shall be appointed for more than three (3) successive four-
 26 year terms, except that any term served by a member as see-
 27 retary shall not be considered, in applying successive term
 28 limitations. *The term of each member first appointed after January*
 29 *1, 1992, for the purpose of computing the length of the term of*
 30 *such member, shall commence on the first calendar day subsequent*
 31 *to the day of expiration of the preceding term, regardless of when*
 32 *the appointment is made, and shall end on June 30 of the fourth*
 33 *year of the member's term for those members whose terms commence*
 34 *on July 1, or on June 30 following the third full year of the member's*
 35 *term for those members whose terms commence on January 1. There-*
 36 *after, for the purpose of computing the length of term of a member*
 37 *of the board, the terms of members appointed to the board shall*
 38 *commence on the July 1 immediately following the day of expiration*
 39 *of the preceding term, regardless of when the appointment is made,*
 40 *and shall expire on June 30 of the fourth year of the member's term.*

41 Each shall serve until a successor is appointed and qualified. When-
 42 ever a vacancy shall occur in the membership of the board for any
 43 reason other than the expiration of a member's term of office, the

Three members

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1 be considered as equivalent to not more than one (1) year of
2 experience specified in paragraph 2 of subsection (a).

3 (d) Any person, licensed as a professional engineer in the
4 state of Kansas at the time this act takes effect, shall thereafter
5 continue to possess the same rights and privileges with respect
6 to the practice of engineering, without being required to be
7 licensed anew under the provisions of this act, subject, how-
8 ever, to the power of the board as provided in this act to
9 suspend or revoke the license of any such person for any of
10 the causes set forth in this act, and subject to power of the
11 board to require any such person to renew said license as
12 provided in this act.

13 (e) Prior to completion of the requisite years of experience
14 in engineering work, an applicant may be permitted to take an
15 eight-hour written examination in the fundamentals of engi-
16 neering and satisfactory passage of this portion of the profes-
17 sional examination by the applicant shall constitute a credit for
18 a period of ten years. The board shall issue to each applicant
19 upon successfully passing the examination in the fundamentals
20 of engineering a certificate stating that he or she has passed
21 the examination.

22 (a) *Graduation from a college or university program that is ad-*
23 *equately in its preparation of students for the practice of engineering;*
24 *and*

25 (b) *the satisfactory passage of such written examination in the*
26 *fundamentals of engineering as utilized by the board; and*

27 (c) *proof of four years of engineering experience of a character*
28 *satisfactory to the board, as defined by rules and regulations of the*
29 *board; and*

30 (d) *the satisfactory passage of such examination in professional*
31 *practice as utilized by the board.*

32 Sec. 13. K.S.A. 1990 Supp. 74-7022 is hereby amended to read
33 as follows: 74-7022. (a) Minimum qualifications of applicants seeking
34 licensure as land surveyors are the following:

35 (1) Graduation in an accredited engineering curriculum of
36 four years or more, approved by the board and two or more
37 years survey experience of a character satisfactory to the board;
38 or

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

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

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1 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

5 ~~(1) Graduation from a college or university program that is adequate in its preparation of students for the practice of land surveying, and~~

8 ~~(2) proof of at least four years of land surveying experience satisfactory to the board, as defined by rules and regulations of the board; and~~ (1) Until July 1, 1996,

11 (4) ~~(3)~~ the satisfactory passage of an examination given utilized by the board. Such examination may be taken prior to or during the period of work experience by any applicant who is a graduate in such approved curriculum. (2)

15 (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.

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

28 (b) ~~Before July 1, 1996, the requirements of subsections (a)(1) and (2) may be fulfilled by~~ proof of at least eight years of land surveying experience or education, or a combination thereof, satisfactory to the board. (1) graduation from a college or university program that is adequate in its preparation of students for the practice of land surveying, (2)

32 Sec. 14. K.S.A. 74-7023 is hereby amended to read as follows: 33 74-7023. (a) All examinations required by this act shall be held at 34 such time and place as the board shall determine determines. The 35 scope of the examinations and the methods of procedure shall be 36 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 37 applicant to practice the technical profession for which he or she 38 the applicant is qualified and to use the title appropriate to such 39 technical profession. Each license shall show the full name of the 40 licensee, shall have a serial number and shall be signed by the 41 chairperson and the secretary of the board under seal of the board. 42 43

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1 construed to prevent or to affect:

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

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

6 (c) Persons engaged in planning, drafting, and designing of prod-
7 ucts manufactured for resale to the public.

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

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

14 Sec. 21. K.S.A. 1990 Supp. 74-7034 is hereby amended to read
15 as follows: 74-7034. The provisions of this act requiring licensure or
16 the issuance of a certificate of authorization under K.S.A. 74-7036,
17 and amendments thereto, to engage in the practice of land surveying
18 shall not be construed to prevent or to affect:

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

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

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

28 (d) The performance of services by a licensed landscape architect
29 or by a corporation issued a certificate of authorization to provide
30 services in landscape architecture under K.S.A. 74-7036, and amend-
31 ments thereto, in connection with landscape and site planning for
32 the sites, approaches or environment for buildings, structures or
33 facilities.

34 ~~(e) The practice of land surveying by any officer or em-~~
35 ~~ployee of any federal, state, county or city governmental agency~~
36 ~~while engaged in the performance of official duties.~~

37 Sec. 22. K.S.A. 74-7035 is hereby amended to read as follows:
38 74-7035. The provisions of this act shall not apply to:

39 (a) The practice of any technical profession by a person *who is*
40 *not a resident of and having has* no established place of business
41 in the state of Kansas, or who has recently become a resident of
42 this state, if such person ~~shall have~~ *has* filed with the board an
43 application for a license and ~~shall have~~ *has* paid the application fee

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1 required by this act. Such person shall be legally qualified by license
2 or registration to practice ~~said the~~ profession in ~~his or her such~~
3 ~~person's~~ own state or country in which the requirements and qual-
4 ifications for obtaining a license or certificate of registration are not
5 lower than those specified in this act. Such practice shall continue
6 only for such time as the board requires for the consideration of the
7 application for license; ~~or~~

8 (b) the work of an employee or a subordinate of a person holding
9 a license under this act, or an employee of a person practicing
10 lawfully under subsection (a) ~~of this section, provided, if~~ such work
11 does not include final designs or decisions, responsible charge of
12 design or supervision and is done under the direct responsibility and
13 supervision of a person practicing lawfully under subsection (a) ~~of~~
14 ~~this section; or;~~

15 (c) the practice of persons who are not residents of and have not
16 established a place of business in this state, who are acting as con-
17 sulting associates of persons licensed under the provisions of this
18 act. ~~Such person shall be and who are~~ legally qualified for such
19 professional service in ~~his or her such persons'~~ own state or country;
20 ~~or~~

21 (d) the practice of persons who are employees of any person,
22 firm or corporation ~~and~~ who do not offer to the public their services
23 in the technical professions as ~~herein defined; or;~~

24 (e) the practice of any person who is exclusively and regularly
25 employed by one employer only, ~~said the~~ employer not being an
26 engineering, architectural, or land surveying firm, and ~~said the~~ em-
27 ployer not being primarily engaged in the business of conveying an
28 interest in real property, in an employer-employee relationship, in
29 making surveys of land and determinations of physical property rights
30 in connection only with the affairs of such employer or its subsidiaries
31 and affiliates and for the uses, purposes and benefit of such employer,
32 subsidiaries and affiliates, only; ~~or~~

33 (f) *a nonresident person who holds a license or certificate of*
34 *registration to practice the technical professions in another state and*
35 *whose practice in this state is limited to agreeing to perform or*
36 *holding the person's self out as able to perform a technical profession,*
37 *if the person notifies the board in writing before engaging in such*
38 *practice and does not engage in such practice for more than 30*
days. If, within that time, the person applies for licensure to practice
the technical professions in this state, the person may practice in
41 *this state to the extent permitted by subsection (a).*

42 Sec. 23. K.S.A. 74-7036 is hereby amended to read as follows:
43 74-7036. (a) The practice of or offer to practice any profession

(g) For purposes of this act, public officers and employees who, within the scope of their employment and in the discharge of their public duties, provide information pertinent to or review 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.

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1 (d) No corporation issued a certificate of authorization under this
2 section shall be relieved of responsibility for the conduct or acts of
3 its agents, employees or officers by reason of its compliance with
4 the provisions of this section, nor shall any individual practicing a
5 branch of the technical professions be relieved of responsibility and
6 liability for services performed by reason of employment or rela-
7 tionship with such corporation. The requirements of this section shall
8 not affect a corporation and its employees in performing services
9 included within the term "technical professions" solely for the benefit
10 of such corporation or subsidiary or affiliated corporations. Nothing
11 in this section shall exempt any corporation from the provisions of
12 any other law applicable thereto.

13 (e) ~~As used in this section, the term "corporation" shall not~~
14 ~~include corporations organized under the professional corpo-~~
15 ~~ration law of Kansas.~~

16 New Sec. 24. A public official charged with the enforcement of
17 any state, county or municipal building code shall not accept or
18 approve any technical submissions involving the practice of the tech-
19 nical professions unless the technical submissions have been stamped
20 with the technical professional's seal as required by this act or unless
21 the applicant has certified on the technical submission to the appli-
22 cability of a specific exception provided for in K.S.A. 74-7035 and
23 amendments thereto permitting the preparation of the technical sub-
24 missions by a person not licensed under this act. A building permit
25 issued with respect to technical submissions which does not conform
26 to the requirements of this act is invalid.

27 New Sec. 25. (a) The state board of technical professions, in
28 addition to any other penalty prescribed under the act governing
29 the technical professions, may assess civil fines and costs, including
30 attorney fees, after proper notice and an opportunity to be heard,
31 against any person or entity for a violation of the statutes, rules and
32 regulations or orders enforceable by the board in an amount not to
33 exceed \$5,000 for the first violation, \$10,000 for the second violation
34 and \$15,000 for the third violation and for each subsequent violation.
35 All civil fines assessed and collected under this section shall be
36 remitted to the state treasurer at least monthly and shall be deposited
37 in the state treasury and credited to the state general fund. All costs
38 assessed under this section shall be remitted to the state treasurer
39 at least monthly and shall be deposited in the state treasury and
40 credited to the technical professions fee fund.

41 (b) In determining the amount of penalty to be assessed pursuant
42 to this section, the board may consider the following factors among
43 others: (1) Willfulness of the violation; (2) repetitions of the violation;

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.

1 construed to prevent or to affect:

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

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

6 (c) Persons engaged in planning, drafting, and designing of prod-
7 ucts manufactured for resale to the public.

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

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

14 Sec. 21. K.S.A. 1990 Supp. 74-7034 is hereby amended to read
15 as follows: 74-7034. The provisions of this act requiring licensure or
16 the issuance of a certificate of authorization under K.S.A. 74-7036,
17 and amendments thereto, to engage in the practice of land surveying
18 shall not be construed to prevent or to affect:

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

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

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

28 (d) The performance of services by a licensed landscape architect
29 or by a corporation issued a certificate of authorization to provide
30 services in landscape architecture under K.S.A. 74-7036, and amend-
31 ments thereto, in connection with landscape and site planning for
32 the sites, approaches or environment for buildings, structures or
33 facilities.

34 ~~(e) The practice of land surveying by any officer or em-~~
35 ~~ployee of any federal, state, county or city governmental agency~~
36 ~~while engaged in the performance of official duties.~~

37 Sec. 22. K.S.A. 74-7035 is hereby amended to read as follows:
38 74-7035. The provisions of this act shall not apply to:

39 (a) The practice of any technical profession by a person *who is*
40 *not a resident of and having has* no established place of business
41 in the state of Kansas, or who has recently become a resident of
42 this state, if such person *shall have has* filed with the board an
43 application for a license and *shall have has* paid the application fee

(e) (1) The practice of land surveying by
any employee of the Kansas department of
transportation.

(2) The provisions of this subsection
shall expire on December 31, 1996.

SENATE BILL NO. _____

By Committee on Governmental Organization

AN ACT concerning the state corporation commission; providing for exemption of certain electric public utilities from certain aspects of commission regulation.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section, "cooperative" means any cooperative, as defined by K.S.A. 17-4603 and amendments thereto, which has fewer than 15,000 customers and which provides power principally at retail.

(b) Except as otherwise provided in subsection (f), a cooperative may elect to be exempt from the jurisdiction, regulation, supervision and control of the state corporation commission by complying with the provisions of subsection (c).

(c) To be exempt under subsection (b), a cooperative shall poll its members as follows:

(1) An election under this subsection may be called by the board of trustees or shall be called upon receipt of a valid petition signed by not less than 10% of the members of the cooperative.

(2) The proposition for deregulation shall be presented to a meeting of the members, the notice of which shall set forth the proposition for deregulation and the time and place of the meeting. Notice to the members shall be written and delivered not less than 10 nor more than 35 days before the date of the meeting.

(3) If the proposition for deregulation is approved by the affirmative vote of not less than 2/3 of the members voting on the proposition, the cooperative shall notify the state corporation commission in writing of the results within 10 days after the date of the election.

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Attachment 3

(4) Voting on the proposition for deregulation shall be in person but, if the bylaws of the cooperative so provide, may also be by proxy or by mail, or both. With regard to a vote on the proposition for deregulation, no person shall vote as proxy for more than three members.

(d) A cooperative exempt under this section may elect to terminate its exemption in the same manner as prescribed in subsection (c).

(e) An election under subsection (c) or (d) may be held not more often than once every two years.

(f) Nothing in this section shall be construed to affect the single certified service territory of a cooperative or the authority of the state corporation commission, as otherwise provided by law, over a cooperative with regard to service territory, charges for transmission services, sales of power for resale, wire stringing and transmission line siting, pursuant to K.S.A. 66-131, 66-183, 66-1,170 et seq. or 66-1,177 et seq., and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.