

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on February 7, 1995 in Room 521-S of the Capitol.

All members were present except: Rep. Ruby Gilbert, Excused
 Rep. Rochelle Chronister, Excused

Committee staff present: Carolyn Rampey, Legislative Research Department
 Arden Ensley, Revisor of Statutes
 Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Helen Stephens, KS Society of Land Surveyors
 Art Griffith, KS Society of Land Surveyors
 Dennis Shreves, KS Society of Land Surveyors
 Trudy Aron, American Institute of Architects
 Bill Henry, KS Engineering Society
 George Barbee, KS Consulting Engineers
 Darrell Hammond, State Board of Technical
 Professions

Others attending: See attached list

Chairman Dawson opened the hearing on HB 2138 regarding the Board of Technical Professions and land surveyors' continuing education.

Chairman Dawson recognized Helen Stephens as a proponent of the bill. Ms. Stephens testified that the bill was requested in order to allow the Board of Technical Professions to require mandatory continuing education requirements for the land surveyors' continuing education and adopt rules and regulations as necessary.

The Chairman recognized Art Griffith as a proponent of the bill. He testified that passage of this bill would ensure that the practice of land surveying would keep up with the changing times. See Attachment 1 for written testimony.

Dennis Shreves was recognized by the Chair. Mr. Shreves testified that due to the diverse tasks performed by surveyors and the complex nature of the surveyors' job, continuing education is a necessity. See Attachment 2.

Chairman Dawson recognized Trudy Aron as a proponent of the bill. Ms. Aron testified that through the rules and regulations process, the American Institute of Architects in Kansas believe that the Board of Technical Professions can put continuing education requirements in place that would protect the public while not over-burdening the profession. See Attachment 3.

The Chairman recognized Bill Henry as a proponent of the bill. Mr. Henry testified that his organization supports the Board of Technical Professions in developing standards for mandatory continuing education for each of the professions governed by the board. See Attachment 4.

Mr. George Barbee was recognized by the Chair as a proponent of the bill. He testified that several states have mandatory continuing education requirements in place. Mr. Barbee also testified that the American Institute of Architects has adopted a policy requiring mandatory continuing education as a condition of membership. See Attachment 5.

Chairman Dawson recognized Darrell Hammond as a proponent of the bill. Mr. Hammond testified that the Board of Technical Professions has established a committee to study the concept of mandatory continuing education requirements. He stated the need for careful study of other state's requirements as an essential element for the board to consider. See Attachment 6.

Chairman Dawson closed the public hearing on HB 2138.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 7, 1995.

The Chairman brought the Committee's attention to the minutes of January 31, February 1 and 2, 1995. Rep. Dillon made a motion to approve the minutes. It was seconded by Rep. O'Connor. The motion carried.

Announcements were made by the Chair and she adjourned the meeting at 9:28 a.m.

The next meeting is scheduled for Wednesday, February 8, 1995, at 9:00 a.m. in Room 521-S of the Capitol.



KANSAS SOCIETY OF LAND SURVEYORS

Affiliated with the American Congress on Surveying and Mapping
and the
National Society of Professional Surveyors, Inc.

February 7, 1995

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To: House Governmental and Elections Committee

From: Arthur G. Griffiths, LS, President
Kansas Society of Land Surveyors

RE: HB-2138

Madam Chairman and members of the committee, my name is Arthur Griffiths and I am the President of the Kansas Society of Land Surveyors. The Kansas Society of Land Surveyors is affiliated with the American Congress on Surveying and Mapping and the National Society of Professional Surveyors. I have had the honor of representing Kansas on the Board of Governors and the Board of Directors of the National Society of Professional Surveyors for 12 years. I mention this so that you will understand that I have been in a position to watch the trends in the surveying profession not only in Kansas but throughout the United States.

I come before you this morning to urge your support of House Bill 2138. This bill would empower the Kansas State Board of Technical Professions to require mandatory continuing education as a requirement for re-licensure for one or all of the technical professions as is deemed necessary by that board.

Among the technical professions, the land surveyors have been at the forefront in seeking mandatory continuing education requirements throughout the United States. The Kansas Society of Land Surveyors sponsored a bill requiring mandatory continuing education for land surveyors in 1988. In just those states which surround Kansas, the following have mandatory continuing education requirements: Nebraska, Iowa, Missouri, Arkansas and Oklahoma. Colorado is in the process, as are we, in attempting to acquire this regulation.

The practice of land surveying, in a large part, deals with history and the application of law, which I am sure you, of all people realize, is changed, updated and added to frequently. The technical changes, in just the past 30 years that I have been involved in surveying, have been greater than all of the advances in the previous 5000 year plus history of surveying. We have gone, in just this short period of time, from transits, steel tapes and hand crank calculators through

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theodolites, electronic distance meters and electronic calculators to total stations, capable of both angular and distance measurements, high speed computers and the use of the global positioning satellite system for determining the position of points anywhere on the earth. These changes in technology have come rapidly and I have every reason to believe that we will continue to see this rapid advancement.

Voluntary continuing education in Kansas has proven itself a dismal failure. Based on attendance at educational seminars given in the state, over many years, only about one-third of the surveyors avail themselves of these opportunities. A great deal of the changes in law and technology which I have mentioned are not subjects for self study but must be taught by experts in these fields.

The failure of any professional to keep abreast of the changes in his or her profession can be devastating to those people who rely on that professional. The people of Kansas deserve the assurance that the body which licenses and oversees the technical professions has the authority to require proof of the competency, not only at the time the original license to practice is granted, but that the professional maintains that high degree of competency throughout his or her career.

Therefore, I strongly urge this committee to support this legislation which would enable the Kansas State Board of Technical Professions, based on their evaluation of each profession, to impose the requirement for mandatory continuing education for re-licensure as needed.

I thank you for this opportunity to speak on this important matter.

February 7, 1995

To: House Government and Elections Committee

From: Professor Dennis D. Shreves, PLS
Regional Director
National Society of Professional Surveyors

RE: HB-2138

Madam Chairman and members of the committee. My name is Dennis Shreves, and I am the Regional Director for the National Society of Professional Surveyors. I also teach the subject of surveying at Kansas State University - Salina.

I am here this morning to urge your support for House Bill 2138. For 15 years I have served as an officer at the local, state and national levels of the surveying profession and can emphatically state that the subject of professional development has been an issue of concern during this entire period. Survey after survey has been generated to determine the desirability of requiring mandatory continuing education for practitioners of the profession.

Addressed on its own, continuing education does not seem to generate much controversy. Most surveyors support the idea and agree that continuing education promotes the professional and personal development of the surveyor. Perhaps more importantly it benefits the public by providing more competent surveyors.

These many surveys indicate that most surveyors believe there need not be large amounts of time or money spent to maintain professional competency. One board found that 73 percent of those questioned felt that two to three days a year of active education were adequate to keep informed of technological, legal and regulatory changes in the field. Most of these surveys also indicate that a small majority are in favor of required continuing education.

Why is continuing education desirable? Is there truly a need? A recent study by the National Council of Examiners for Engineers and Surveyors ranked the diverse tasks performed by surveyors. A few of these, such as the measurement of angles and distances and the computation of areas or volumes are skills that should be well developed at the time of licensure. Many, however, reflect the growing complexity of the surveyor's job. They include the establishment of flood plain boundaries, the determination of subdivision development requirements, the preparation of plats, and the identification of potential claims of unwritten conveyances.

The computer has had a revolutionary effect on the profession. Many surveyors today are asked to establish astronomic azimuths.

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Attachment 2

Many others routinely determine least squares analysis on field data. Virtually all surveyors use "field to finish" computer systems. Without some form of continuing education many of these same surveyors would today still be relying on magnetic azimuths, outdated adjustment techniques, and drafting by hand.

Technology and surveying equipment has evolved dramatically, but the changes represent just the tip of the iceberg. Surveyors are today faced with an awesome assortment of land-use regulations, that govern lot size, stormwater drainage, wetlands development, and erosion control. Other regulations govern the shape and configuration of new parcels, their legal descriptions and the locations of buildings on existing parcels.

Regulations tell us how to turn angles, how to set corner monuments, and how intensive our deed research must be.

All of this information is evolutionary. No matter how current we are today, without continuing education we find we are soon operating with outdated information. It requires very little imagination to predict the amount of damage that could result from the failure of a surveyor to advise a client of an environmental regulation.

More than most professions, surveying demands continuing education if its practitioners are to serve their clients adequately. All professions are subject to advances in technology. Few are as governed by regulation as surveying. These regulations constantly change, and are different from state to state, and even city to city. Only through continuing education can a surveyor stay abreast of these changing requirements.

Thank you for allowing me to address you regarding this bill.

AIA Kansas

A Chapter of The American Institute of Architects

February 7, 1995



TO: Chair Carol Dawson and Members of the House Governmental
Organizations and Elections Committee

FROM: Trudy Aron, Executive Director

RE: Support for HB 2138

Good Morning Madam Chair and Members of the Committee.

I am Trudy Aron, Executive Director, of the American Institute of Architects in Kansas (AIA Kansas). I am here today to support the passage of HB 2138 which permits the Board of Technical Professions to adopt, enforce and audit mandatory continuing education as a condition for license renewal for architects, engineers, landscape architects, and land surveyors.

Our association represents architects and architectural firms throughout the state. We believe it is the responsibility of all architects to update and expand their knowledge of building systems, technology, and codes which affect life and safety.

We believe the Board of Technical Professions, through the rules and regulations process, can put in place continuing education requirements which not only protect the public but do not place an overwhelming burden on the profession. We further believe that most architects in our state continually update their knowledge and expertise in order to practice this highly competitive business.

The cost of any continuing education program administered by the State would, of course, be paid for by those regulated and would not come from the State general fund. We do not see the cost of implementation as an impediment to this requirement.

Thank you for this opportunity to testify in support of HB 2138. I would be happy to answer any questions you may have.

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Attachment 3

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Kansas Engineering Society

A state society of the National Society of Professional Engineers

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TESTIMONY HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE Tuesday, February 7, 1995

Madam Chair, members of the Governmental Organization & Elections Committee, I am Bill Henry, Executive Vice-President of the Kansas Engineering Society and I appear before you today in support of HB 2138 which permits the Kansas Board of Technical Professions to implement continuing education requirements for the professions it governs.

The Kansas Engineering Society is composed of more than 900 licensed professional engineers who reside and practice the profession of engineering within our state.

Continuing professional competency is an issue that many professions are discussing today and the Kansas Engineering Society believes the Board of Technical Professions should be granted general enabling legislation to develop standards for mandatory continuing professional development for each of the professions governed by the board.

Because of the board's expertise and the board's working relationship with each of the professions' practice groups the members of the Kansas Engineering Society believe the legislative authority to adopt these standards should be broad and permissive.

We believe the legislation that is proposed today meets our policy guidelines and we request the committee to recommend HB 2138 favorable for passage.

Respectfully submitted,

Bill Henry, Executive Vice-President
Kansas Engineering Society

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Attachment 4



GEORGE BARBEE, EXECUTIVE DIRECTOR
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Statement to:
House Committee on Governmental Organization on
House Bill 2138

My name is George Barbree of Barbree & Associates speaking on behalf of the Kansas Consulting Engineers. KCE is an organization of consulting engineering firms who offer their services to the public to design public works and private projects such as bridges, roads, water treatment plants, water distribution systems, sewer treatment projects, buildings, etc.

Some of you may recall that the subject of mandatory continuing education for design professionals has been brought to you before by the land surveyors. KCE appeared in opposition to that bill in 1991. Things are changing across the nation and there appears to be a trend toward continuing education requirements being met as a requisite to license renewal. I appear today in support of HB 2138 because of this emerging trend.

The latest information provided by the National Society of Professional Engineers lists Alabama, Iowa, New Mexico and North Carolina with mandatory continuing education requirements in place for engineers. Ten states have enacted enabling authority and 25 states have mandatory continuing education under study. The National Society of Professional Engineers has approved a policy in support of mandatory continuing education. The American Institute of Architects has adopted a policy requiring mandatory continuing education as a condition of membership. The National Council of Examiners of Engineers and Surveyors has promulgated model rules and regulations for mandatory continuing education. And, we hear that the American Society of Civil Engineers has recently approved a policy in support of mandatory continuing education.

Even with this ongoing attention to mandatory continuing education, there is not unanimity among the engineers that Kansas should adopt mandatory continuing education as a requisite for license renewal. But, there is an understanding that the time is rapidly approaching where engineers' ability to offer their services to the public will require participation in continuing education. They understand that if the protection of the public health, safety and welfare is better accomplished through continuing education, it would be well to have anticipated this need and have the authority provided to the Board of Technical Professions to adopt rules and regulations to provide for reciprocity with other states.

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AFFILIATED WITH: Attachment 5

HB 2138 does not require mandatory continuing education. It simply provides permissive authority for the Board to examine each one of the design professions and adopt rules and regulations as time and circumstances demand a program. The professions would have the ability to participate in the process through public hearings. The attorney general would still review proposed rules and regulations. And, the legislature would continue to have oversight through the Joint Committee of Administrative Rules and Regulations.

I urge you to allow the Board of Technical Professions to have the authority to adopt mandatory continuing education rules and regulations by reporting HB 2138 favorable for passage.



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(913) 296-3053

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STATEMENT TO THE
HOUSE GOVERNMENTAL ORGANIZATIONAL
AND ELECTIONS COMMITTEE
THE HONORABLE CAROL DAWSON, CHAIR

by

THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

FEBRUARY 7, 1995

RE: HOUSE BILL NO. 2138-AN ACT relating to the state board of technical professions; concerning continuing education; amending K.S.A. 74-7013 and 74-7025 and repealing the existing sections.

Madame Chairman and Members of the Committee: My name is Darrell Hammond. I am a licensed professional engineer and land surveyor, and am the current chairperson of the Kansas State Board of Technical Professions. Thank you for the opportunity to present testimony on House Bill 2138.

The Board of Technical Professions is the state licensing and regulatory agency for architects, professional engineers, land surveyors, and landscape architects. The board is comprised of thirteen members; three professional engineers, one dually licensed land surveyor/professional engineer, three architects, two land surveyors, one landscape architect, and three public members.

To give you some background, there are currently 11,682 licensees under the jurisdiction of the Board of Technical Professions. A breakdown of the professional licenses is as follows:

			<u>Resident</u>	<u>Non-Resident</u>
Engineers	8,033	69%	<u>3,787</u>	4,246
Architects	2,344	20%	981	1,363
Land Surveyors	893	8%	624	269
Landscape Architects	<u>412</u>	3%	<u>143</u>	<u>269</u>
Total:	11,682		5,535	6,147

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The Kansas State Board of Technical Professions voted recently to support enabling legislation which would amend the board's statutes to provide statutory authority to require continuing education by rule and regulation. The board wanted the statutory authority to require continuing education if in the future the board decides to go forward and make this a mandatory requirement for licensees.

Some of the state professional societies have approached the board requesting a continuing education requirement for licensure renewal. There is a trend in other states that license technical professions to have some type of continuing education requirement. The Board of Technical Professions feels that continuing education requirements should be established only after careful consideration. Accordingly, the board has established a committee comprised of one member of each of the technical professions to thoroughly study the issue. This committee is charged with developing pertinent data to establish and enforce a continuing education program. This committee is also forming a sub-committee to seek input from representatives of the professional community, and to study the components of a continuing education program in Kansas. The board, and its committee needs adequate time to collect information locally and nationally in order to develop a program that is consistent with other states to maintain a nationally uniform reciprocity system. There are more non-residents licensed in the technical professions than Kansas resident. Therefore, careful study of other state's requirements is an essential element for the board to consider.

The Board of Technical Professions appreciates the opportunity to appear before you today. Thank you for your consideration of our comments.