

Approved: 3/14/95
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on March 13, 1995 in Room 531-N of the Capitol.

All members were present except:

Committee staff present: Julian Efird, Legislative Research Department
Fred Carman, Revisor of Statutes
Jacqueline Breymeyer, Committee Secretary

Conferees appearing before the committee: Jim Forsythe, Kansas Historical Society
W. Stitt Robinson, Kansas Historical Society
Arthur Griffiths, President, Kansas Society of Land Architects
Trudy Aron, American Institute of Architects
George Barbee, Kansas Consulting Engineers
Marvin Kramer, Engineer
Bill Bicher, Engineer
Dennis Shreves, National Society of Professional Surveyors
Representative Kay O'Connor

Others attending: See attached list

Chairman Ramirez called the meeting to order at 1:37 p.m.

The minutes of March 8 were approved on the motion of Senator Papay and a second from Senator Steffes.

Continuation of hearing on SB 353--historical interests of the state

Jim Forsythe, Kansas Historical Society, was present to explain the Society's position on the bill. He feels the Society has been a good trustee for the citizens of the State. He mentioned several prominent citizens, past and present, who have been presidents or board members. He stated that Kansas is becoming more ethnically diverse. The board contains six minorities. Mr. Forsythe stated a committee will evaluate the Director this spring and submit a report to the Executive Committee at its April meeting. The Chair of the Executive Committee will send a report of the evaluation to the Governor. Mr. Forsythe ended his testimony by stating that although they feel there is full accountability in the Society, if a perception exists that there is a problem, it needs to be addressed. The Society plans to initiate contact with the Governor's office and proposes to meet with Senator Bogina to discuss his concerns. (Attachment 1)

Mr. W. Stitt Robinson appeared next on the bill, speaking of the excellent status of the Society. He stated that at meetings throughout the country numerous endorsements of the Society and its programs have been received. He mentioned the Pottawatomie Indian Mission and the new research center and what they will mean to the citizens of Kansas. He ended his talk by stating that the Society would appreciate the support of the Legislature. It will continue to do the good work it has done in the past.

The Chairman stated that this concluded the hearing on SB 353.

The committee turned to HB 2138--state board of technical professions; land surveyors

Arthur Griffiths, Kansas Society of Land Surveyors, appeared first, urging support for the bill. He stated that voluntary continuing education in Kansas has proven itself a failure. The failure of any professional to keep abreast of the changes in his/her profession can be devastating. He ended his testimony by asking support for this legislation that would enable the Board to impose the requirement for mandatory continuing education for re-licensure as needed. (Attachment 2)

Trudy Aron, AIA Kansas, appeared in support the bill. The association represents architects and architectural firms throughout the state. It is their belief that it is the responsibility of all architects to update and expand their knowledge of building systems, technology, and codes which affect life and safety. They believe the Board can put in place continuing education requirements which would not only protect the public, but will not place an overwhelming burden on the profession. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION Statehouse, at 1:30 p.m. on March 13, 1995.

George Barbee, Kansas Consulting Engineers, submitted his testimony and stated that the bill does not require mandatory continuing education. It simply provides the 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. He ended by urging the Committee to allow the Board to have the authority to adopt mandatory continuing education rules and regulations. (Attachment 4)

Testimony by Bill Henry, Kansas Engineering Society, in support of the bill was distributed to the Committee and labeled (Attachment 5)

Dennis Shreves, National Society of Professional Surveyors, appeared in support of the bill. Mr. Shreves stated that no matter how current today, without continuing education they find that they are operating with outdated information. More than most professions, surveying demands continuing education if it is to serve clients adequately. Only through continuing education can a surveyor stay abreast of the changing requirements. (Attachment 6)

The six-month moratorium on rules and regulations was discussed. It was commented that something could be put in the statutes. The time is up in July.

Marvin Kramer, Engineer, appeared as an opponent of **HB 2138**. He stated that almost all the engineers in public and private practice are opposed to this bill. He has visited with other engineers, architects and land surveyors, and has not found one person in favor of the bill. Other states that have a similar bill have not increased their standards of practice. (Attachment 7)

Bill Bicher, Engineer, told of the high costs of courses, conferences and seminars. He told of some of the courses he has taken and stated he has nothing against continuing education for those who want to take it. He attended a conference last year and the cost involved was nearly a thousand dollars. The agency with which he is employed paid for it. He commented that some of the schools providing engineering programs that are not accredited schools, but this does not mean their courses aren't as good as the accredited schools. As far as the argument that other professions are doing this type of thing, just because 'A' does something does not necessarily mean that 'B' should do it. Engineers who take courses in rural areas may have different requirements than those in urban areas. In closing, Mr. Bicher said he would get a copy of his statements to the committee secretary. *(Testimony received 3/15 and labeled (Attachment 8))

The Chairman thanked the conferees and asked for questions of the committee. One of the members addressed Mr. Kramer. Mr. Kramer has been in practice forty-three years. He has kept abreast of the new technology. He was asked what had he done, as an individual, to keep his standards up. He was also asked if he thought everybody in the profession would do what Mr. Kramer had done without it being more or less mandated.

Mr. Kramer replied that he had taken university courses and attended seminars. As far as he is concerned he had to do this or he wouldn't have a job. As far as everyone doing it, he commented that there were probably a few who would not do it. He didn't think that the people in western Kansas would have a chance, because there aren't that many engineers out there. As far as technical schools go, Salina is probably as far west as you can go. He does think they are getting some continuing education, but as far as a mandatory number of hours, it would be extensive and rather time consuming.

Phil Rosewicz, President, American Society of Civil Engineers, Kansas, said a few words. The Society has meetings scattered throughout the state. The majority of meetings are held in Topeka, Kansas City and Wichita.

One of the conferees stood and made a few additional comments. He stated that they are not in favor of having mandatory continuing education as yet. The bill just says the board may do this. When there are reasons, then it will be done. There are standards out there in some other states.

Mr. Barbee stated he has been the Executive Director of the Kansas Consulting Engineers for twenty-three years. There are a lot of continuing education programs. It is felt that if there is no participation in continuing education and keeping up with technological advances, you won't be in business. Other states are passing us and we need to be ready.

The question of disciplinary action was raised. The reply was the Legislature has given authority to the Board of Technical Professions which licenses all the design professions, to adopt standards and rules of conduct; sort of a statutory code of ethics. He referred to Mr. Kramer, stating he has violated the rules if he knows of an engineer that wasn't licensed to do a certain kind of practice because they were licensed to do another type of practice. The rules say that if a person becomes aware of a violation of these rules, they are obligated to

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION Statehouse, at 1:30 p.m. on March 13, 1995.

report that to the Board of Technical Professions. This is how it is done. The Board does not license an engineer as a electrical or structural or civil engineer; they are licensed as professional engineers. Those same rules say that an individual cannot practice any part of engineering that he or she is not experienced or educated to do. When someone violates that particular rule, the Board may receive complaints and discipline that person.

The Committee turned to HB 2129--unlawful use of state postage

Representative Kay O'Connor stated that the bill is one requested by former Attorney General Bob Stephan. There was a state official using state postage for personal use. The person reimbursed the state, however, the Kansas statutes were not clear enough for a successful prosecution.

Representative O'Connor has had the assistance of the Attorney General and Representative Vince Snowbarger, as well as others, to help draft the bill. The bill was drafted using some of the language of federal law and should make the words "personal use" more legally defined. (Attachment 9)

A member of the committee commented that the bill had been amended by the House Committee to say "knowingly". What happens if a person sends out an improper mailing.

Representative O'Connor stated that currently the member would be notified they would reimburse the state for the improper expenditure. Currently the way the Kansas statutes are written, prosecution is not very successful; no one has ever been prosecuted. The word "knowingly" was put in the bill to make sure they would not get someone who had acted accidentally.

Discussion began among the committee and Representative O'Connor about what would and would not be acceptable according to the bill. Representative O'Connor stated that if it is strictly personal than it is illegal. Letters of condolence, anniversary greetings, and other personal notes of that nature would be illegal, as well.

Staff was asked what a class C misdemeanor was. It was found that it \$500 and 30 days.

The Chairman stated that in visiting with Mr. Lutz of Legislative Services, as long as mail is sent to constituents, informing them of what has transpired, this is legal.

After several other comments from members of the committee, the Chairman thanked Representative O'Connor and concluded the hearing on the bill.

SB 353--historical interests of the state

In discussion the comment was made that gifts, donations, and endowments to the Society would suffer severely if this bill passed. Other comments were also made to the effect that the Society is working well now and doing a good job. It was decided to take no action at this time on the bill.

SB 323--square dance designated as the official state folk dance

Senator Harris' fine work on the barred tiger salamander bill was mentioned. Several members had heard from constituents who did not like the bill, such as the polka groups. It was decided to take no action on the bill at this time.

HB 2138--state board of technical professions; land surveyors

Discussion was held on the various testimony of the conferees. The fact that the Board does not intend to do anything at this time led some of the committee to state that legislation should not go forward until it is actually needed.

It was decided to take no action on the bill at this time.

HB 2129--unlawful use of state postage

There was discussion on the bill.

Senator Papay moved to table HB 2129. Senator Gooch gave a second to the motion.

Senator Harris made a substitute motion to pass the bill out favorably. Senator Steffes gave a second to the motion. After discussion, the substitute motion failed.

Back on the original motion a vote was taken and the motion carried to table the bill.

The meeting was adjourned. The next meeting is scheduled for March 14, 1995.

GOVERNMENTAL ORGANIZATION COMMITTEE GUEST LIST

DATE: MARCH 13, 1995

NAME	REPRESENTING
DENNIS SHREVES	KANSAS SOCIETY OF LAND SURVEYORS
Arthur G. Griffiths	Kansas Society of Land Surveyors
JAMES L. FORSYTHE	KANSAS STATE HISTORICAL SOCIETY
W. Stett Robinson	Kansas State Historical Society
Ramon Powers	Kansas State Historical Society
William N. Bicher	MYSELF
Phil R. Rosewicz	American Society of Civil Engineers
MARVIN K. KRAMER	MYSELF
Colene Bailes	Kansas State Historical Soc.
Elaine Frisbie	Division of the Budget
George Barber	KS Consulting Engr
Michael D. Kelly	KS. Society of Land Surveyors
Nelen Stephens	KS KSLSS.
TRUDY ARON	American Society of Architects
Jeannine Harmon	Bd. of Technical Prof.
Pat Higgins	D. of A.

Testimony before the Senate Governmental Organization Committee,
March 13, 1995.

Chair Rameriz and members of the Committee, I am James L. Forsythe, Dean of Graduate Studies and Research and Vice-Provost for Academic Affairs at Fort Hays State University, and chair of the Kansas State Historical Society's Executive Committee which is the primary governing body of the Society.

I was not able to appear at your meeting on Thursday, March 9, 1995; as you know, Eric Engstrom of Wichita presented the Society's testimony along with Dr. Gary Thomas. We believe that the testimony we presented and our responses to questions appropriately explained the Society's position and its role in the affairs of state government.

I would like to describe how the Society for 120 years has been able to represent the people of the state through its present arrangement. It has not been a self-perpetuating body. We have been good citizens as trustee for the State. The 99 member board of directors represents all areas of the state from Rawlins County in the northwest to Fort Scott and Pittsburg in the southeast, from Garden City in the southwest to Winchester in the northeast. Of the 99 members of the board, over 60 are new to the board since 1987; and, on the executive committee eight of the thirteen members are new since 1988. A turn-over of nearly 66 percent on the board in eight years indicates that we are a constantly changing and a diverse body.

We are a diverse group of citizens. As an example of the variety of membership on the Board of Directors, you will find genealogists, county historical society directors, professional historians, amateur historians, librarians, and citizens who are interested in the history of the great State of Kansas. We have sought to bring onto the board individuals prominent in the civic life of the state along with others with an interest in preserving and promoting the state's history.

Some examples of former presidents and board members includes such illustrious Kansans as Governors Charles Robinson and Arthur Capper; Cyrus B. Holiday, founder of the Atchison, Topeka, and Santa Fe Railroad; and J.R. Mead, one of the founders of the city of Wichita.

Individuals who recently served on the board are Judge Arthur Stanley, Judge Robert Kaul, and Judge G. T. Van Bebber.

Present members include Senator Nancy Landon Kassebaum; former Governor Bill Avery, former Governor John Carlin; federal appeals court Judge Deanell Tacha; federal district court Judge Richard Rogers; State Appeals Court Judge Mary Beck Briscoe; district court Judge Paul Buchanan of Wichita; John Baldwin, formerly of Dillons Food Company; former state senators Clifford R. Hope, Jr., Ross Doyen, Merrill Werts, Glee Smith, and Wint Winter, Sr.; former representative Elaine Hassler; Paul Wilson, emeritus professor of law at the University of Kansas School of Law; former head of the Eisenhower Library Dr. John Wickman; former Archivist of the United States Dr. Don Wilson; prominent author and biographer of FDR Kenneth Davis; prominent attorneys such as Norman Jeter of Hays and Arthur Hodgson of Lyons; directors of county historical societies such as Tom Pfannenstiel of the Smoky Valley Museum in Salina; Sue Taylor of the Prairie Art and History Museum in Colby; Cheryl Collins of the Riley County Historical Society; and Mary Wildeman of the Finney County Historical Society. Newspaper publishers or editors include Don McNeal of the Council Grove Republican; Mark Reddig, managing editor of the Sun newspapers in Johnson County; and former Associated Press reporter, Elon Torrence. Also history professors at various state universities and Haskell Indian Nations University are on the board.

Many other individuals from various walks of life, such as Mary Cottom of Manhattan, who is active in civic affairs in that city; Ellen May Stanley of Dighton, who is active in the Lane County Historical Society and whose husband owns a feed lot operation in that county; June Fausset of Kansas City Kansas; Dr. James Boyer, an African-American and a professor of education at Kansas State University; Michael Baughn of Brewster, who is a law enforcement official in Colby; NedRa Bonds, an African-American teacher, of Kansas City, Kansas; and Ms. Margaret "Redfern" Pitzer, a technical illustrator and Native American from Wichita.

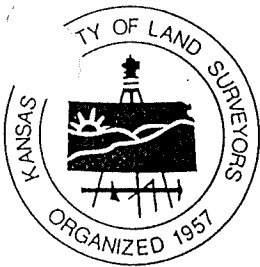
Kansas is becoming more ethnically diverse. In the decade of the 1980s, the Hispanic population increased by 23.7 percent, the Asian by 14.4, the African-American by 14.1, and the Native American by 7.1 percent. The trend, if it continues, will increase the current percentage of 11.52 of our citizens who are minority. It is as good citizens that we have been and will continue to increase the ethnic diversity of the Board of Directors as well as the Executive Committee.

Our nominating committee has already sought to address the issue of minority representation on the board; in 1988 the board had only one minority member; we now have six minorities on the board. A special committee has been appointed to deal with the issue of increasing minority representation both on the board and on the executive committee.

Let me comment briefly on one facet of our accountability to the Governor. When the current Director was elected, the name was sent to then Governor Mike Hayden, and he approved the selection. Until recently, the Executive Committee sent an annual evaluation of the Director to the Governor for salary consideration.

A committee will evaluate the Director this spring and submit a report to the Executive Committee at its April 7, 1995, meeting. The Chair of the Executive Committee will then send a report of the evaluation to Governor Bill Graves.

Although we feel that the Society as presently organized and constituted provides for full accountability from programmatic oversight of the budget through Legislative Post Audit, and that this arrangement poses no constitutional problem, we understand that if a perception exists that there is a problem we need to address it. We believe that we have been good citizens and stewards since the founding of the society in 1875. We propose that the members of the Society's executive committee meet with the Governor to discuss the Society's governance and whether he feels it needs to be addressed. This issue has been thrust upon us very suddenly, and we would like to be given adequate time to discuss this matter within the Society and with those of you who provide important resources for the preservation and promotion of our state's heritage. We plan to initiate contact with the Governor's office as soon as possible, and we hope that we would receive the support of this committee to do this. We also propose to meet with Senator Bogina to discuss his concerns with our governance.



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

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March 13, 1995

To: Senate Governmental Organization Committee

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

RE: HB-2138

Mr. 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 today 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.

AIA Kansas

A Chapter of The American Institute of Architects

March 13, 1995



TO: Chairman Al Ramirez and Members of the Senate Governmental Organizations Committee

FROM: Trudy Aron, Executive Director

RE: Support for HB 2138

Good afternoon Mr. Chairman 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 successfully in this highly competitive business.

The cost of any continuing education program administered by the State would, of course, be paid for by those regulated. We do not see the cost of implementation as a 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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CONSULTING
ENGINEERS**

GEORGE BARBEE, EXECUTIVE DIR.

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Statement to:
Senate Committee on Governmental Organization on
House Bill 2138

My name is George Barbee of Barbee & 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:

KANSAS ENGINEERING SOCIETY

AMERICAN CONSULTING ENGINEERS COUNCIL

PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

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 Engineering Society

A state society of the National Society of Professional Engineers

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William J. Wilhelm, P.E.
Wichita

TESTIMONY SENATE GOVERNMENTAL ORGANIZATION COMMITTEE Tuesday, March 13, 1995

Chairman Ramirez, members of the Governmental Organization 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. The members of our association also support the proposed technical clean-up amendments.

Respectfully submitted,

Bill Henry, Executive Vice-President
Kansas Engineering Society

*Senate Governmental Organization
Attachment 5*

3/13/95



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March 13, 1995

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To: Senate Committee on Governmental Affairs
From: Professor Dennis D. Shreves, PLS
Regional Director
National Society of Professional Surveyors
RE: HB-2138

Mister 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 afternoon 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

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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. 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.

House Bill 2138

A bill to introduce "Continuing Education" to the requirements for Licensing of practicing Engineers, Architects, Landscape Architects and Land Surveyors.

The writer is opposed to the provisions of this bill.

I am speaking from the standpoint of "experience", having been in the continuing practice of engineering for approximately 43 years.

During this time professional engineers have continually up-graded their expertise to meet the ever changing higher standards of their profession. We have to do this, or we would be out of business today!

Almost all of the engineers in private and public practice are opposed to this bill. In visiting with other engineers, architects and land surveyors, I have found not one person in favor of this bill. College professors I have talked with are also opposed to this bill.

Some other states have this bill in their statutes. It has not helped or increased their standards of practice.

The technical professions are becoming over-regulated to the point of stagnation!

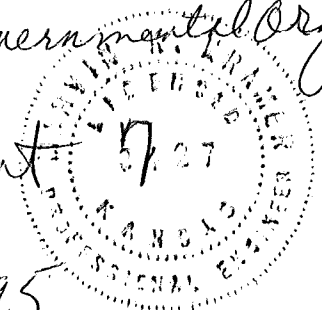
Respectfully submitted,


Marvin K. Kramer, P. E.

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March 13, 1995

William N. Bicher
3790 Park South Ct. #205
Topeka, Kansas 66609

Senator Al Ramirez
State Capitol Building
Room 128 South
Topeka, Kansas 66612

HOUSE BILL # 2138 - CONTINUING EDUCATION REQUIRED: WHY I'M OPPOSED

House Bill No. 2138, an Act currently proposing to give the board the opportunity to require continuing education credits for maintaining licenses by Professional Engineers.

My name is William N. Bicher, I have a Bachelor's of Science in Civil Engineering degree and I am a licensed engineer in the State of Kansas. I am here representing myself. I would first like to mention that I have nothing against continuing education. Over the last two years I have take 14 hours in Biology courses, 9 in engineering courses, and I am currently enrolled in another 6 hours of engineering courses.

Costs are a major concern of mine. Many of the current two-four day conferences range anywhere from \$500.00 to \$700.00. A two two-day course that I went to last year was approximately \$1000.00 in tuition alone. Travel expenses were an additional \$500.00 and \$600.00. Though the agency I work for paid my expenses and tuition, not everyone has the opportunity to afford these training conferences. Current semester long engineering courses (3 hours) from Kansas State University and Kansas University are approximately \$380.00.

The professional's engineering licensee fee is currently \$25.00 per year. I believe these fees will increase, in order to staff personnel to verify and maintain records for engineers engaged in the practice of engineering.

The purpose of the statutes, laws, and rules and regulations for engineers is to protect the public. Engineering competency is based on experience and the passage of an exam administered by the Board of Technical Professionals. In addition, licensed engineers may only stamp engineering documents representing his scope of knowledge and expertise.

Professional societies exist to promote and enhance engineering ideas. This is where continuing education belongs, not as part of the licensing program.

There is also the argument other professions require continuing education programs. I just want to simply state this is no argument for other professions to do this. Doctors and lawyers

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must keep up to date with current changes in medicine and laws. Engineers, though don't specifically have this requirement, must use applicable design codes that are updated. For example the American Concrete Institute updates their concrete design manual every three years.

Included in some of the current literature various criteria of approved courses are provided. Accreditation Board of Engineering & Technology schools are approved, however, because schools are unaccredited does not necessarily mean their program is inferior to accredited schools. What courses outside the field of engineering are acceptable and unacceptable. Does a marketing course make one a better engineer.

For engineers working in manufacturing and industry, are not required to be licensed. Is the continuing education requirement criteria for these engineers going to be the same as other engineers in various practices.

Though the current proposed bill provides the board the option to include continuing education requirements for licensure, I have seen the National Council of Engineering Examiners proposal, along with another states adopted regulations. What does the future hold? Current proposals indicate 15 hours this year. How many hours next year, the year after, or 5 years down the road?

Taking courses or attending conferences for maintaining your license does not serve the public or even those that are attending the course because they choose to be there.

Thank you,



William N. Bicher, P.E.
(913)266-5364 (H)
(913)296-1595 (W)

KAY O'CONNOR
REPRESENTATIVE, DISTRICT 14
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TO: Governmental Organization

FROM: Representative Kay O'Connor 

DATE: March 13, 1995

SUBJECT: HB 2129

Mr. Chairman and Members of the Committee:

HB 2129 is a bill requested by the former Attorney General, Bob Stephan. It came to our attention that a state official was apparently using State postage for personal use. This person, when notified, reimbursed the State. However, due to the fact that Kansas statutes are not clear enough for a successful prosecution, HB 2129 is needed.

With the assistance of the Attorney General and Representative Vince Snowbarger and others, this bill was drafted using some of the language of federal law and should indeed make "personal use" more legally defined and thereby enhancing the chances of successful prosecution.

I will stand for questions at the will of the committed.

KOC/mlld

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