

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Rep. Carol Dawson, at approximately 9:30 a.m. on February 2, 1996 in Room 521-S of the Capitol.

All members were present except:     Rep. Britt Nichols, Excused  
  Rep. Herman Dillon, Excused  
  Rep. Jonathan Wells, Excused

Committee staff present:     Dennis Hodgins, Legislative Research Department  
  Carolyn Rampey, Legislative Research Department  
  Jim Wilson, Revisor of Statutes  
  Joanne Ashworth, Legislative Secretarial Pool

Conferees appearing before the committee:     Bill Bryson, KS Geological Society  
  Betty Rose, Executive Director, KS Board of  
  Technical Professions  
  Stan Peterson, Chair, KS Board of Technical  
  Professions  
  William "Chip" Winslow III, KS Board of Technical  
  Professions

Others attending: See attached list

The Chair recognized Betty Rose who informed the committee that the Board of Technical Professions met Friday, January 26, and developed a policy statement relating to **HB 2471**. See Attachment 1. Ms. Rose introduced the Chairman of the Board of Technical Professions, Stan Peterson, who reviewed the statement.

Mr. Peterson told the committee that the concerns of the Board are (1) fragmentation of the Board's mission, (2) the need for consistency with regard to experience, education, and examinations for all of the professions regulated by the Board, (3) the economic impact on the Board of regulating another profession, and (4) the grandfather clause.

The Chair gave Mr. Bryson the opportunity to respond to Mr. Peterson's concerns. Mr. Bryson told the committee that geology is a recognized profession that should be licensed.

Ms. Rose and Mr. Winslow expressed concerns about the cost to the Board of adding a new group of licensees. Questions were raised about the ability of the Board to absorb the start-up cost of licensure during the first year.

Rep. Dawson told the committee she thinks geologists should be licensed, but is concerned about fragmenting the Board of Technical Professions and about the additional cost to the Board. She also noted that other occupational and professional groups intend to ask the Legislature for licensure and observed that the Legislature must draw the line somewhere.

With the permission of the Committee, the Chair agreed to work with the staff to draft a substitute bill that incorporates suggested amendments for consideration by the committee.

The Madam Chair adjourned the meeting at 10:10 a.m. and announced that the next meeting would be February 6, 1996, in Room 521-S of the Capitol.



**THE BOARD OF TECHNICAL PROFESSIONS**  
**AND ADDITIONAL DISCIPLINES**  
**PREPARED FOR THE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE**

The Board of Technical Professions believes it can best serve the citizens of Kansas by continuing to regulate its existing array of four professions. The Board does not believe it would be efficient to add any of the disciplines or businesses being considered by the Legislature for enhancement to the Board's roster of activities. Major reasons for the Board's position are as follows:

**1. FRAGMENTATION OF BOARD MISSION.** Board effectiveness and activity is directly related to the number of disciplines regulated, regardless of the number of licensees within a discipline. Therefore, each additional discipline dilutes the board's ability to effectively monitor and regulate the practice of a technical profession, while at the same time increasing the responsibilities of the Board and its executive director by up to 20 percent, considering the following:

- Board time spent in deliberations/disciplinary hearings
- Issuance of regulations
- Approval of applicants
- Conflict resolution
- Routine handling of inquiries and complaints

**2. IMPACT UPON BOARD SIZE/COMPOSITION.** At 13 members, the Board of Technical Professions is one of the largest regulatory Boards in Kansas and operates with a staff of only 4 employees. Adding disciplines would increase the size of the Board and would:

- Interrupt the efficiency of the Board's existing committee structure (See attached explanation)
- Require additional staff positions and attorney/investigative time
- Result in an inordinate workload for the member(s) of the newly regulated discipline(s)

**3. CONSISTENCY WITH THE BOARD'S EXISTING REQUIREMENTS.** Currently, all professions licensed by the Board are required to meet stringent requirements consisting of education, experience/internship, and passage of a rigorous national examination. The addition of discipline(s) would either require:

- Individuals now practicing, regardless of age, to pass an extensive examination; or
- The grandfathering of a large number of existing practitioners

**4. ISSUES OF GRANDFATHERING.** If a large percentage of a discipline are grandfathered, it would be appropriate to question the public benefit of placing any regulations upon the discipline. It is noteworthy that the Board's experience reflects that nearly 40% of present disciplinary cases result from the 8% of its licensees that are land surveyors, the majority being ones who were grandfathered into licensure status by legislation in 1969 and 1988.

**5. CONTINUING EDUCATION REQUIREMENTS.** As a result of 1995 legislation, the technical professions under the board are required to obtain continuing education for license renewal. At this time the board does not know the full impact involved in board time, cost and staffing needs to fully implement these requirements.

**6. ECONOMIC IMPACT UPON THE REGULATED AND THE PUBLIC.** Presently the Board's operations are self-sustaining, through licensure renewals and reciprocity application fees collected by the Board. New disciplines should be individually self-sustaining, or their addition would represent an unfair subsidy by the existing licensees. Therefore, any new discipline(s) being licensed would require a very high licensure fee if their numbers are relatively small. This cost will be borne by the public through increased fees for service, raising the fundamental issue of whether the public's protection is adequately enhanced by the price paid for regulation.

**7. ECONOMIC IMPACT UPON THE BOARD.** Any additional disciplines have an obvious fiscal impact on the Board's operations. For example, the fiscal note on H.B. 2471 indicates an estimated lump sum cost of \$47,036 for the first year, and an estimated lump sum cost of \$26,775 for subsequent years. The Board believes this is a conservative estimate of cost, since it does not include various unknown costs such as:

- Attorney and Investigative fees
- Office space and relocation
- Additional travel expenses
- Related exam costs
- Proctoring fees

#### **WHAT IS THE BOARD OF TECHNICAL PROFESSIONS?**

The primary function of the Board of Technical Professions is to carry out its statutory authority to protect the health, safety and welfare of the general public by regulating the professions of Engineering, Architecture, Land Surveying, and Landscape Architecture. A significant amount of the Board's efforts involve monitoring and regulating the practice of technical professions. The Board members review investigations and conduct formal disciplinary hearings. In addition, the Board processes applications for examination of candidates and licensure of qualified individuals and corporations in the technical professions. The total number of current licensees is 11,933. The present number of Intern Engineers is 12,079. The Board of Technical Professions was created by the 1976 Legislature to consolidate the former Kansas State Registration and Examining Board of Architects, State Board of Engineering Examiners, and the Kansas State Board of Registration and Examination of Landscape Architects. That Board had eight (8) members from the four (4) professions of engineering, architecture, land surveying and landscape architecture and one (1) public member. The 1992 Legislature increased the size of the Board from nine (9) to thirteen (13) members, and provided additional authority to enforce the Board of Technical Profession's Practice Act. The current membership of the Board consists of four (4) engineers, three (3) architects, two (2) land surveyors, one (1) landscape architect, and three (3) members from the general public. The board holds regular board meetings approximately 6 times a year. All of the board's work, as well as meetings, are conducted in a committee forum with the architects and landscape architects working together as a committee, and the engineers and land surveyors working as a committee to review issues specific to those professions. Then, all 13 members meet with staff and board counsel as a full board to discuss committee recommendations, board policy issues, and disciplinary matters.