

Approved: SRB 3-11-09
Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:05 a.m. on March 4, 2009, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Bob Bethell- absent
Representative Jo Ann Pottorff- excused

Committee staff present:

Renae Jefferies, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Jerry Donaldson, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department

Conferees appearing before the Committee:

Renae Jefferies, Assistant Revisor
George Barbee, Kansas State Board of Technical Professions
Trudy Aron, American Institute of Architects
Ron Gaches, Kansas Society of Professional Engineers
Bob Totten, Kansas Contractors Association

Others attending:

See attached list.

The meeting was called to order by Chairman Steve Brunk at 9:05 a.m. He opened the hearing on **SB 29**.

SB 29 - Board of technical professions; relating to licensure.

The Chairman asked Renae Jefferies, Assistant Revisor to give the Committee a walkthrough on the bill (Attachment 1). Her walkthrough listed all the changes in the bill and indicated that the bill would be effective upon publication in the statute book.

George Barbee, a public member of the Kansas State Board of Technical Professions testified as a proponent of **SB 29** (Attachment 2). He said that the major change in the bill was in the definition of a business entity. Currently the statutes require corporations to have a certificate of authorization to offer a technical profession to the public. Changes being proposed would include business entities such as limited liability companies and partnerships. The term "corporation" is replaced by "business entity" throughout the bill. He offered an amendment to begin the one year certificates with the last half of the alphabet. He also proposed amendment language to exempt contractors to allow them to continue to do the work they presently do.

Representative Quigley asked a question about public funding being removed from the bill. George said that they have had so much objection to public funding that they took it out.

Representative Brunk asked if the language was encompassing enough language to include all the entities that would be involved with this bill. George replied that it was because the exemption was not particular enough to exclude any interested entities. Representative Brunk also asked if there was a change in the fees. George said that there was not a change in the fees.

Trudy Aron, American Institute of Architects testified as a proponent of **SB 29** (Attachment 3).

Representative Worley asked if the architects licensing requirements were identical to the engineers. Trudy said that they are not identical but the requirements are supported in the statutes.

Ron Gaches, Kansas Society of Professional Engineers and the Kansas Society of Land Surveyors testified as a proponent of **SB 29** (Attachment 4).

Bob Totten, Kansas Contractors Association testified as a proponent of **SB 29** (Attachment 5).

CONTINUATION SHEET

Minutes of the House Commerce And Labor Committee at 9:05 a.m. on March 4, 2009, in Room 784 of the Docking State Office Building.

There was no testimony from those who were neutral or opposed to the bill. The Chairman therefor closed the hearing on **SB 29**. He reminded the Committee that they would be hearing **SB 160 - Kansas minimum wage law; minimum wage increase** tommorrow.

The next meeting is scheduled for March 5, 2009.

The meeting was adjourned at 10:40 a.m.

COMMERCE & LABOR COMMITTEE

DATE: 3-4-09

NAME	REPRESENTING
Jean Bolin	Ks Bd of Technical Professions
Steven S. Brosemer	KS Bd of Technical Professions
Tim Han	" " " " " "
Mary Leigh Dyck	" "
Fred Cochran	KSPE; KSLS
Judy Gron	Am Inst of Architects
George Barbee	KS Bd of Tech Prof's

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MEMORANDUM

To: House Committee on Commerce and Labor
From: Renae Jefferies, Assistant Revisor
Date: March 4, 2009
Subject: SB 29

SB 29 amends statutes relating to the state board of technical professions and licensure thereunder.

Section 1, on page 3, subsection (k), amends the definition of “practice of land surveying” to clarify that such practice includes the planning, mapping and locating or laying out of alignments, positions or elevations for the construction of engineering works. In subsection (l), the definition of “person” was changed to include a business entity and the words “firm, corporation or partnership” were struck from the definition.

On page 4, subsection (p) defines “business entity” to mean “a corporation, professional corporation, limited liability company, limited liability partnership, corporate partnership or other legal entity created by law.” This phrase is used throughout the bill to replace the terms firm, corporation or partnership. In subsection (q) the term “principal” is defined to mean “a person who serves in a business entity as an officer, member of a board of directors, member of a limited liability company or partner.”

Section 2, on page 5, in lines 8 through 10, amends K.S.A. 74-7009 to allow for a fee for the one-time renewal of a certificate of authorization for a business entity for a one-year period pursuant to subsection (e) of K.S.A. 74-7036.

Section 3, on page 5, amends K.S.A. 74-7013 to allow the Board to develop rules and regulations exempting persons from continuing education requirements for license renewal or reinstatement.

Section 4, on pages five and six, amends K.S.a. 74-7018 to clarify the language and to

eliminate language regarding the taking of examinations for licensure.

Section 5, on page 6, amends K.S.A. 74-7021 to allow the Board to issue an intern engineer certificate.

Section 6, on page 6, amends K.S.A. 74-7022 to allow the Board to issue an intern land surveyor certificate.

Section 7, on page 7, amends K.S.A. 74-7023 to update the language in the statute and to allow the board to prescribe eligibility criteria for the taking of examinations, including reexaminations.

Section 8, on pages 7 and 8, amends K.S.A. 74-7025 to provide that the executive director of the board notify a licensee or business entity 30 days before the expiration of such licensee's license or such business entity's certificate of authorization of the date of expiration and the amount of the renewal fee. The requirement that the renewal notice be mailed to the last address provided to the Board is struck.

Section 9, on pages 8 and 9, amends K.S.A. 74-7026 to allow the Board to limit or condition the license of a licensee or the certificate of authorization of a business entity.

Section 10, on pages 9 and 10, makes technical amendments to K.S.A. 74-7029.

Section 11, on pages 10 and 11, makes technical amendments to K.S.A. 74-7031 and substitutes the phrase business entity for the word corporation.

Section 12, on page 11, makes a technical amendment K.S.A. 74-7034 and substitutes the phrase business entity for corporation.

Section 13, on pages 11 through 13, amends K.S.A. 74-7036 by clarifying the language and substituting the words business entity or principals where necessary. Also on page 13, a new subsection (e) is added which would allow the Board to stagger the renewal of certificates of authorization for corporations by allowing the Board to renew half of the certificates for only one year in December of 2010 under the following conditions:

- The certificate of authorization is scheduled for renewal on or after December 31, 2010;
- the name of the business entity begins with a letter in the first half of the alphabet;
- the Board notifies the business entity that its certificate of authorization will be renewed for one year; and
- the fee for renewal under this subsection shall be one-half of the biennial renewal fee.

Additionally, a certificate which has been renewed for a period on one year shall be subsequently renewed on a biennial basis. No certificate of authorization shall be renewed for a one-year

period on or after January 1, 2012.

Section 14, on page 14, amends K.S.A. 74-7041 to allow the board to issue an intern geologist certificate.

The bill is effective upon publication in the statute book.

The fiscal note indicates that there would be no change in the Board's current staff as a result of the bill and that there would only be a small amount of increase in its expenditures.



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

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SB 29

Testimony Before the House Commerce and Labor Committee

9:00 a.m., March 4, 2009

Mr. Chairman and members of the committee, the Board of Technical Professions appreciates the opportunity to testify before the Committee today. My name is George Barbee. I am a public member of the Board of Technical Professions. With me today are Tim Sloan and Steve Brosemer, Land Surveyor members of the Board, and Jean Boline, Executive Director.

The major change being made by this bill is in the definition of a business entity. Currently the Board's statutes require corporations to have a certificate of authorization to offer a technical profession to the public. However, there are other types of business entities that are organized by law. Changes being proposed would include these other business entities, such as limited liability companies and partnerships, in the requirement for a certificate of authorization. The definition of "business entity" is page 4, line 29-31. This new term replaces "corporation" throughout the bill. Also on page 4, lines 32-34, is the definition of a "principal." This term replaces "corporate officer" throughout the bill.

Section 13, page 11-13, K.S.A. 74-7036, spells out the certificate of authorization requirement and makes the necessary changes to incorporate the previous two new definitions. Section 13 also adds language to allow the board to divide the renewals of the certificates of authorization. Currently all certificates renew at the same time once every two years. With the addition of more certificates, splitting them so that some renew each year would balance the revenue as well as the work load.

The Board wishes to recommend to the Committee a technical amendment to page 13, line 23. (B) should read "the name of the business entity begins with a letter in the last half of the alphabet." This would keep the renewal of business entities consistent with the individual renewals.

Other changes proposed are additions to the definition of the practice of surveying. In Section 1, Page 3, line 26 the words "planning" and "mapping" are added to the definition. These are activities that are customarily carried out by a licensed land surveyor and should be part of the definition.

On page 3 lines 39-41, subparagraph (6), also add to the definition of the practice of surveying. The design of public infrastructure (streets, water, sewer, highways, buildings, etc.) falls under the definition of the practice of engineering or architecture. But, the statutes do not adequately address who is responsible for the alignment, layout, positions or elevations needed to construct this infrastructure. At present it is often a professional surveyor or professional engineer who

does this work. However, the statute only mentions this work in regard to “engineering surveys” (page 3, lines 7-12). Surveyors would like to see this work defined under the practice of surveying. There are others who, at times, also perform these functions. This activity would be allowed by the exemption in Sec. 12, page 11, lines 28-30 of the bill. The Board has received some objections from the Kansas Department of Transportation in regard to this exemption. We have worked with KDOT and propose amendments to the language as it appears in SB 29 As Amended by the Senate Committee on both page 3 lines 39-41 and page 11 lines 28-30.

The **amendments** would read as follows:

Page 3, lines 39-41

(6) the locating or laying out of alignments, position or elevations where such work is part of the construction of engineering or architectural works.

Page 11, lines 28-30

(a) The locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works.

Page 6, lines 30-32, provides for an intern engineer certificate to be issued. This is an accepted designation for someone who has met certain education and exam requirements and is working toward licensure. Page 6, lines 41-43, provides for a similar designation for someone working toward land surveyor licensure. Page 14, lines 5-7 provides the same for geologists.

Page 6, lines 36-38, changes one requirement for land surveyors. Some education will now be required and detailed in regulations.

Page 8, line 24, adds the words “limit” and “condition” to the board’s power to discipline. These changes will allow the Board to use other disciplinary options that are less severe than suspension or revocation of a license.

On page 10, lines 2-5, “geologist” is added to the list of technical professions. Geologist was inadvertently left out of these listings when the statute was originally amended to add geologist licensure.

Other changes made in this bill refine and clean up current language and allow for changes in technology.

We stand for questions from the committee.



AIA Kansas

*A Chapter of the American
Institute of Architects*

March 4, 2009

TO: Senate Commerce and Labor
FROM: Trudy Aron, Executive Director
RE: Support for SB 29

President
David S. Heit, AIA
Topeka
President Elect
J. Michael Vieux, AIA
Leavenworth
Secretary
Hans Nettelblad, AIA
Overland Park
Treasurer
Nadia Zhiri, AIA
Lawrence

Good Morning Representative Brunk and Members of the Committee, I am Trudy Aron, Executive Director of AIA Kansas. I am here to testify in support of SB 29.

Richard Brown, AIA
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Christie Carl, AIA
Abilene
Randle L. Clark, AIA
McPherson
Keith Diaz-Moore, AIA
Lawrence
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Charles Smith, AIA
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Daniel (Terry) Tevis, AIA
Lenexa
Jason VanHecke, AIA
Wichita

AIA Kansas is a statewide association of architects and intern architects. Most of our 700 members work in over 120 private practice architectural firms designing a variety of project types for both public and private clients. Our members are designing tomorrow's building today. These buildings meet the triple bottom line: environment and energy efficient, healthy people and economy.

Today I come before you to support SB 29 which updates the statutes for the Kansas State Board of Technical Professions. This bill does several things:

- Cleans up language
- Requires business entities, regardless of their form, to register with the Board the same as is currently required of corporations
- Provides the Board with additional discipline options

AIA Kansas believes these changes will assist the Board in carrying out their responsibilities to protect the health, safety and welfare of the public.

Thank you, I'd be happy to answer questions.

Executive Director
Trudy Aron, Hon. AIA, CAE
info@aiaks.org



GACHES, BRADEN & ASSOCIATES

Government Relations & Association Management

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Comments of Kansas Society of Professional Engineers and Kansas Society of Land Surveyors

Submitted by Ron Gaches

**In support of Senate Bill 29 – Technical Professions Licensure Requirements
Before the House Commerce and Labor Committee**

Wednesday, March 4, 2009

Thank you Chairman Brunk for this opportunity to speak with your committee regarding Senate Bill 29, a proposal from the Kansas State Board of Technical Professions. I appear today on behalf of the Kansas Society of Professional Engineers (KSPE) and the Kansas Society of Land Surveyors (KSLs).

The bill contains a number of technical changes to the licensure statutes that are needed to bring our law current with modern practices. These deal mostly with administrative matters of the Board of Technical Professions and are not controversial in any way.

There is a change in the bill, page three, lines 39-41, concerning the definition of the practice of land surveying that has generated a number of questions. The purpose of the new language is to allow the Board of Technical Professions to enforce a professional standard for licensed Land Surveyors who engage in the activities described in this section. Several interested parties, notably the Kansas Department of Transportation, have wanted assurance that the inclusion of this language on page three won't preclude a non-licensed individual from engaging in the same activities, as is currently allowed by law. KSPE and KSLs both support adoption of the amendment that is proposed by KDOT and the Board of Technical Professions. This is a completely satisfactory solution to the concerns that have been expressed.

We encourage your support for the amendment and subsequent passage of Senate Bill 29, as amended.

House Commerce & Labor

Date: 3-4-09

Attachment # 4

THE KANSAS CONTRACTORS ASSOCIATION, INC.



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Testimony

By the Kansas Contractors Association

before the House Commerce and Labor Committee

March 4, 2009

Mr. Chairman and members of the Committee, I am Bob Totten, Public Affairs Director for the Kansas Contractors Association. Our organization **represents over 400 companies** who are involved in the construction of highways and water treatment facilities in Kansas and the Midwest.

Today, our organization supports the amendments proposed by the Kansas Department of Transportation. Many of our members were greatly concerned about this legislation in its original form as we thought it would require our contractors to hire additional personnel to conduct surveys in the preliminary phase of project...something we think is unwarranted. It was also determined the new regulations would cost KDOT \$1.5 million dollars to conform with the regulation.

However, with the amendments KDOT has made, we are now comfortable our the legislation will not be a concern for our members. I stand for questions

House Commerce & Labor
Date: 3-4-09
Attachment # 5