

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 54

As Amended by House Committee on Federal
and State Affairs

Brief*

SB 54, as amended, would make changes concerning the Board of Technical Professions and its regulated professions. The bill would:

- Standardize language and make clarifying technical changes, including updates to the definitions relating to the professions of architecture, engineering, geology, landscape architecture, and surveying;
- Add clarifying language about professional engineers, specifically a reference to education, training and experience, and an exemption to continue to be able to perform certain historical services;
- Add “safety” to the charge of the Board of Technical Professions and clarify the process for recording any proceedings of the Board;
- Make changes in the membership requirements for members of the Board of Technical Professions by requiring the applicable members to be licensed in Kansas (not just to reside in the state) and to specify Board membership eligibility by requiring “responsible charge” experience in those professions;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Allow the Board to charge a fee of not more than \$200 for a late renewal of a license, and also to charge a fee of not more than \$200 (currently \$100) to reactivate an inactive license or to reinstate a canceled license;
- Clarify how a roster of individuals licensed under KSA 74-7001 can be made available under the Kansas Open Records Act;
- Allow the Board to adopt rules and regulations regarding:
 - Canceled, inactive, and emeritus licensure status; and
 - Minimum standards for boundary surveys, mortgage title inspection, American land title association surveys, and other surveys as necessary to control the quality of surveying;
- Establish minimum qualifications of applicants seeking licensure as professional geologists;
- Make technical amendments regarding professional document seals for licensees and clarifying the penalty for allowing documents not prepared by the licensee to include the licensee's seal or name;
- Clarify language regarding licenses from other states;
- Prohibit a licensee from practicing any technical profession after the expiration of a license and make other changes to the licensure law regarding the voluntary decision to no longer practice a technical profession;

- Add “professional” to the terms “geologists” and “surveyors” as listed throughout various statutes of the Board;
- Clarify exemptions to the architectural licensure requirements;
- Clarify exemptions to the surveying licensure requirements, including types of mapping conducted by governmental agencies;
- Establish exemptions to the geology licensure requirements;
- Clarify that a Certificate of Authorization is required by any business practicing any of the regulated professions prior to doing any business in Kansas;
- Allow the Board to assess costs and attorney fees against any person or entity for violation of statutes, rules and regulations, or orders of the Board; and
- Clarify the supervisory responsibilities of professionals with multiple offices.

Background

At the 2013 Senate Committee on Federal and State Affairs hearing, testimony in support of the bill was provided by representatives of the Board of Technical Professions who indicated the legislative proposal was to provide a comprehensive update and reorganization of statutes, to modify statutes relating to changes in professional practice, to update terminology, and to improve the clarity of statutes.

Testimony in support of the bill also was provided in 2013 by representatives of the American Council of Engineering Companies of Kansas, the American Institute of Architects in Kansas, the American Society of Landscape

Architects-Prairie Gateway Chapter, the Association of Environmental and Engineering Geologists, the Kansas Society of Land Surveyors, and the Kansas Society of Professional Engineers.

Testimony opposing the bill was provided in 2013 by representatives of the Kansas Association of Counties, the Kansas County Highway Association, and the League of Kansas Municipalities.

The Senate Committee on Federal and State Affairs in 2013 amended the bill:

- To remove language relating to the “ethical marketing of professional services”; and
- To add a surveying exemption on certain types of mapping conducted by government agencies.

The two 2013 amendments were made to address concerns raised by opponents of the bill.

The bill, as amended by the Senate Committee in 2013, was re-referred in 2013 to the Senate Committee and carried over to the 2014 Session.

In 2014, the Senate Committee heard testimony from the Executive Director of the Board of Technical Professions, who requested two additional amendments that were agreed to by representatives of professional engineers and landscape architects. No opponent testimony was presented.

The Senate Committee on Federal and State Affairs further amended the bill, adding the two clarifying 2014 amendments:

- To insert in the definition of “professional engineer” that “the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the

mathematical, physical and engineering sciences,”;
and

- To add new language allowing licensed professional engineers to continue to perform such services as grading and drainage plans, irrigation plans, walls, pools, and erosion control that have been performed historically by engineers.

The Senate Committee also authorized the Office of Revisor of Statutes to make technical amendments to update the bill from the 2013 Session for the 2014 Session and to eliminate unnecessary language from the bill.

At the hearing in the House Committee in 2014, testimony in support of the bill was provided by representatives from the Kansas State Board of Technical Professions, the American Council of Engineering Companies, the American Institute of Architects, the Kansas Society of Land Surveyors, the Kansas Society of Professional Engineers, the American Society of Landscape Architects, and the Association of Environmental and Engineering Geologists. There was no neutral or opposing testimony.

The House Committee amended the bill by deleting a new provision that would have added immunity from liability for those individuals who provided information for or participated in disciplinary proceedings, in good faith and without malicious intent, regarding licensure, re-issuance of a license, or criminal prosecution.

The 2013 fiscal note, as provided by the Division of the Budget for the bill as introduced, indicated enactment of the bill could increase revenue by up to \$94,000 based on the fees assessed for letting a license expire and on the increased fees to reactivate a license. Actual data from FY 2012 was used to estimate the revenue increase. Any fiscal effect associated with the bill is not reflected in *The FY 2014 Governor's Budget Report*. No new information was available

in 2014, but the provision concerning reinstatement was included in the bill as further amended by the Senate Committee. No updated fiscal note was available when the House Committee considered the bill.