

FEDERAL AND STATE AFFAIRS COMMITTEE  
February 20, 1969

The meeting was called to order by the Chairman who introduced Rep. Linde to discuss H.B. 1132. Mr. Linde explained that this bill simply amends the present law, and adds a penalty for violation. He stated this is at the request of the KES, and asked Mr. Paul Newcomer, Executive Secretary of KES to make his comments. Mr. Newcomer introduced the five individuals who had worked on this proposal--the President of the Society, Mr. J. Martin Hall, Mr. Dennis Garrett, Mr. Jim Wallace, Mr. Phil Kline and Mr. Merle Schwab, Chairman of the Board of Examiners. Mr. Newcomer stated that it had been the feeling that there should be penalties for violations of the Act and provision for enforcement; and also that there should be penalties for violation by non engineers. He stated that in the last year three licenses had been revoked. See memo attached for explanation of proposed amendments. Mr. McGill inquired about architects and safety engineers and Mr. Newcomer explained that the architects have their own regulations and that safety engineers are practicing in an area quite different than civil engineers. Mr. Keenan inquired about denying the charged individual a trial de novo, and Mr. Walter Scott, attorney for KES stated this is rather like the Healing Arts Act, Workmens' Compensation, etc. in that there is provision for notice and steps that can be taken by the parties to determine the issues and the decision of the Board. He stated that he believed there are adequate safeguards.

Mr. C. Y. Thomas, one of the original group who sponsored the original bill governing engineers stated that he supports this proposal; that until 1931 there was a sort of voluntary law in Kansas but this made it impossible to have reciprocity and that the Kansas engineers were not able to practice outside state, and now they are fully recognized; that he believes this proposal will strengthen the act.

The Chairman displayed a bill which the Civil Rights Commission had requested the Committee to introduce, and asked if the committee would be willing to do so and have it re-referred. Mr. Andrews moved that this be done. Upon second by Mr. Brokaw, the motion carried unanimously.

Mr. Vaughn appeared to discuss H.B. 1206, stating that the background of the bill was that in his community the civil service employees are sort of second class citizens because they cannot serve on school boards and commissions. He stated that because of the opposition by some of the larger cities that he had an amendment which would tie it to second and third class cities.

The Chairman stated that as soon as possible next week he would like action on HB 1206; 1220; 1227; 1049; 1038 and perhaps 1073. He also stated that Mr. Turner and Mr. Harper were agreeable to killing HB 1073 and accepting a substitute bill; that the Committee should look the proposed substitute over and see if they had objections. The meeting was adjourned.

Exhibits Hf 1132  
2-20-69

Effect of Proposed Amendments  
to  
Kansas Professional Engineers License Act  
as set forth in  
House Bill No. 1132

Pertaining to Enforcement of the Act

1. Section 3 amends KSA 26a-108 Would authorize the Board of Examiners to promulgate and adopt rules of professional conduct. Would allow the Board to take depositions in a manner prescribed for civil actions in district courts.
2. Section 4 amends KSA 26a-109 Would authorize the Board of Examiners to retain an attorney and such other professional or clerical personnel, including certified court reporters, as are needed to accomplish its work.
3. Section 7 amends KSA 26a-115 Would change the wording slightly so that the language will be consistent with that of other sections to which revisions have been proposed.
4. Section 8 amends KSA 26a-119 Would provide the Board of Examiners with the authority to reprimand or otherwise discipline, or to suspend the license of a professional engineer, as well as revoke a license. Would add as reasons for the foregoing: conviction of a felony or crime involving moral turpitude; violation of rules of professional conduct; and affixing his seal to plans he had not prepared or reviewed or evaluated. Would authorize the Board on its own motion, the attorney general, county attorney or the attorney employed by the Board in the name of the Board, to file charges.
5. Section 9 amends KSA 26a-120 Would provide that only evidence presented to the Board of Examiners during formal hearing be used in an appeal trial in district court. Also would require notice to be sent by certified mail rather than by registered mail.
6. Section 10 amends KSA 26a-121 Would require that the attorney general and/or county attorney institute proper proceedings and prosecute any and all actions as directed by the Board of Examiners.
7. Section 11 is a new section Would provide authority to the Board of Examiners to make application for an order enjoining acts or practices which are in violation of the Act. Would provide for the issuance of injunctions and restraining orders by the court.

Pertaining to Qualifications for Licensure

1. Section 6 amends KSA 26a-112 (1) (b) Would delete the provision that graduation in a curriculum other than engineering be recognized as the equivalent of experience.
2. Section 6 amends KSA 26a-112 (1) (c) Would provide for an oral or written examination for those who have twelve years or more of lawful practice. Would add the requirement that they be graduates of an engineering curriculum of four years or more from a school approved by the Board of Examiners.
3. Section 6 amends KSA 26a-112 (3) Would provide that only engineering teaching in a college or university offering an approved engineering curriculum may be considered as engineering experience.

Miscellaneous

1. Section 1 amends KSA 26a-102 Would delete certain exemptions set forth in this section, which are also included in KSA 26a-122.
2. Section 2 amends KSA 26a-105 Would raise the per diem of the Board of Examiners from ten dollars to twenty-five dollars.
3. Section 4 amends KSA 26a-109 Would delete a provision providing for the appropriation of existing funds which is no longer applicable.
4. Section 5 amends KSA 26a-110 Would delete a provision in regard to the annual report which is no longer applicable due to the use of data processing equipment.