

SESSION OF 2014

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 349**

As Agreed to April 2, 2014

Brief*

SB 349 would amend existing statutory provisions for two State entities and add new law for each entity:

- Chief Boiler Inspector and Deputy Boiler Inspectors in the Office of State Fire Marshal; and
- Board of Technical Professions and its regulated professions.

Boiler Inspectors

Under the provisions of the bill, the Chief Boiler Inspector would be required to:

- Have not less than five years of experience in the construction, installation, repair, operation, or inspection of boilers, steam generators, superheaters, or pressure vessels; and
- Hold a commission issued by the National Board of Boiler and Pressure Vessel Inspectors, and have all of the following:
 - In-service commission;
 - “A” endorsement; and

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- “B” endorsement or obtain a “B” endorsement within 18 months after appointment.

Deputy Boiler Inspectors would be required to:

- Have completed courses and training, and have experience in the construction, installation, repair, operation, or inspection of boilers, steam generators, super-heaters, or pressure vessels, which in the aggregate amounts to not less than two years of education, training, and work experience; or
- Have not less than five years experience in the heating, ventilation, air conditioning, or plumbing fields related to the installation or repair of boilers or pressure vessels; and
- Hold an in-service commission issued by the National Board of Boiler and Pressure vessel inspectors or obtain such commission within 12 months after appointment.

Board of Technical 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;
- 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 licensing statutes; 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 licensing 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 licensing 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 licensing requirements;
- Clarify exemptions to the surveying licensing requirements, including types of mapping conducted by governmental agencies;
- Establish exemptions to the geology licensing 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.

Conference Committee Action

The Senate conferees agreed to the House amendments in SB 349 (Boiler Inspectors). In addition, the Senate conferees accepted the House conferees’ proposal to

add SB 54 (Board of Technical Professions), as amended by the House.

Background

Boiler Inspectors

SB 349 was requested by the State Fire Marshal, who assumed responsibility for administering the state's Boiler Inspection Program in 2013. The State Fire Marshal testified in support of the bill, indicating that training for these positions would be available at no cost through the National Board of Boiler and Pressure Vessel Inspectors and that the statutory qualifications have made filling vacant positions and hiring staff difficult. The State Fire Marshal indicated the bill would allow the Boiler Inspection Program to improve its performance and complete required annual inspections in a more timely manner once vacant positions are filled.

Board of Technical Professions

Testimony in support of SB 54 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 and House committees amended the bill to make changes suggested by the conferees who initially opposed parts of the legislation concerning the Board of Technical Professions.

State government; state agency; boiler inspector; State Fire Marshal; Board of Technical Professions

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