

Narrative Information—DA-400

Division of the Budget
State of Kansas

Agency: Kansas State Board of Technical Professions, 663

September 11, 2023


Mr. Adam Proffitt, Director
Director of the Budget
900 SW Jackson, Suite 504N
Landon State Office Building
Topeka, Ks. 66612

Dear Mr. Proffitt,

As Executive Director of the Kansas State Board of Technical Professions, I hereby submit for your consideration the Fiscal Year 2024 and 2025 budget document for the agency. To the best of my knowledge and belief, the information and explanation included in this budget request are correct and complete.

My staff and I are prepared to provide any additional information which you or our budget analyst may require.

Sincerely,



Larry Karns
Executive Director

Enclosure

**Kansas State Board of Technical Professions
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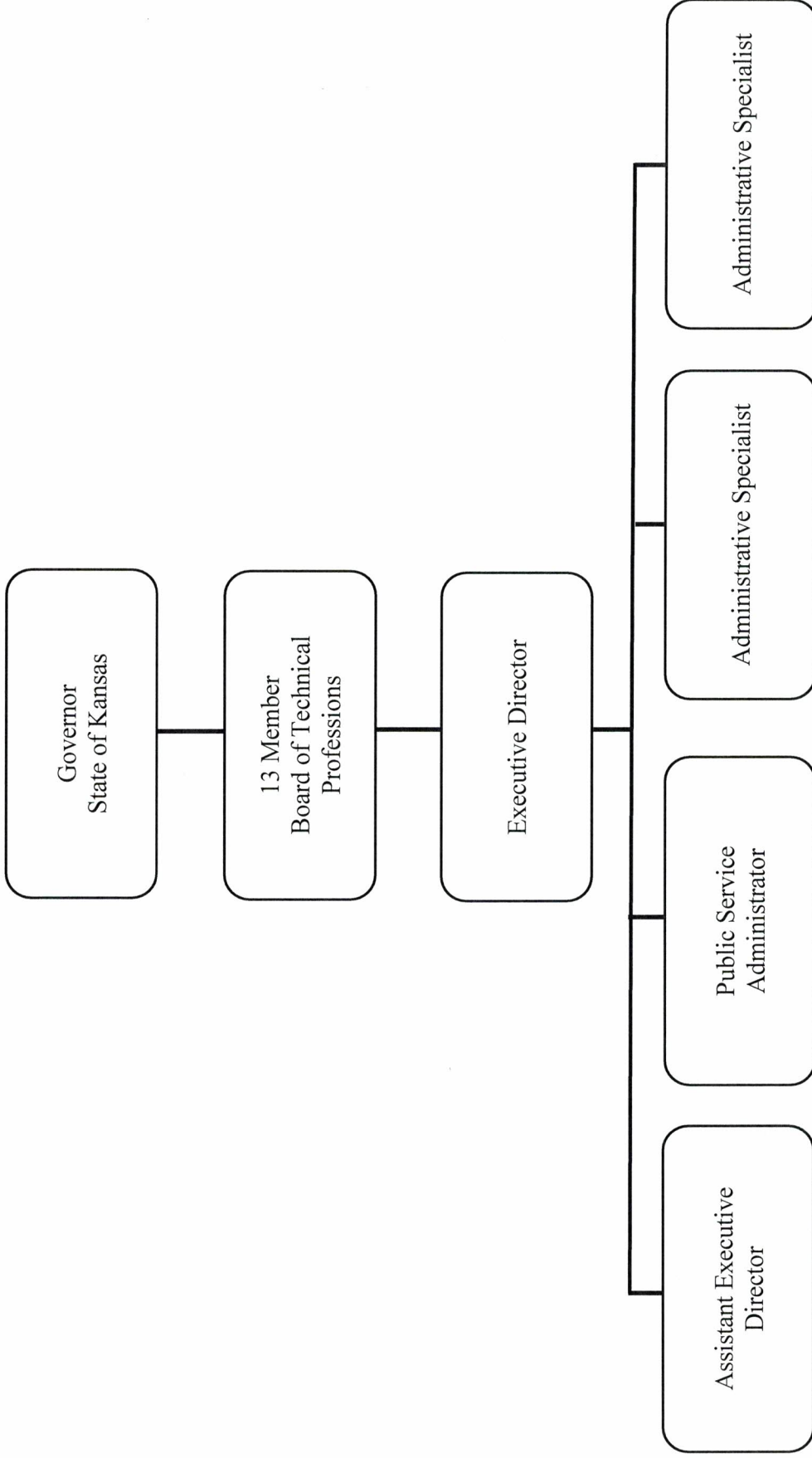
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Agency Mission

The mission of the Kansas State Board of Technical Professions is to provide maximum protection of the health, safety, and welfare of the people of Kansas by assuring that the practices of architecture, engineering, geology, landscape architecture and surveying in the state are carried out only by those persons who are proven to be qualified as prescribed the statutes and rules and regulations of the Board of Technical Professions.

Agency Philosophy

The Board of Technical Professions will carry out its statutory functions in an effective, fair, and timely manner. The Board believes in approaching its activities with a deep sense of purpose, responsibility and efficiency and will continue to serve the public and the professions of architecture, engineering, geology, landscape architecture, and surveying in a trustworthy manner. The public, industries related to the technical professions, and technical professionals alike can be assured of a balanced and responsible approach to regulation.

Programs Establish to Assist with Agency Mission:

Licensing, Monitoring, and Regulation of Technical Professions

- Examine and Certify Intern Engineers, Intern Surveyors, and Intern Geologists
- License, Monitor, and Discipline Architects
- License, Monitor, and Discipline Professional Engineers
- License, Monitor, and Discipline Professional Geologists
- License, Monitor, and Discipline Landscape Architects
- License, Monitor, and Discipline Professional Surveyors
- Certify Business Entities as per statutes

Statutory History

In 1976, K.S.A. 74-7001 was established by the Legislature to create the Board of Technical Professions by combining the Engineering Examiners Registration Board (including Land Surveyors), the Architects Registration Board, and the Landscape Architects Registration Board. K.S.A. 74-7004 provides that the purpose of the Board of Technical Professions is to establish and maintain a high standard of integrity, skills and practice in the technical professions and to safeguard the life, health, property and welfare of the public.

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The Board is authorized to collect licensing fees, renewal fees and other fees as necessary to administer provisions of K.S.A. 74-7001 et. seq.

In the 1997 Legislature, H.B. 2490 created the licensing of geologists starting July 1, 2000, by the Board of Technical Professions. Effective July 1, 2000, a licensed geologist replaced a public member of the Board.

In the 2009 legislative session, S.B. 349 revised several statutes which included changing the term “land surveyor” to professional surveyor and the term “geologist” to professional geologist. In the 2015 legislative session, the Legislature passed a clean-up bill to address further clarifications.

In July 2015, \$200,000 of the Board of Technical Professions Fee Fund was transferred to the State General Fund. In June 2005 with H.B. 2675, \$549,744 of the Board of Technical Professions Fee Fund was transferred to the State General Fund.

The Board lowered renewal fees in 2010 and in 2012. Biennial renewal fees were raised to \$70 for individuals and \$95 for business entities in 2016.

Agency Goal:

The Kansas State Board of Technical Professions shall assure that the technical professions of architecture, engineering, geology, landscape architecture and surveying are practiced only by qualified and at least minimally competent individuals/business entities, and ensure swift, fair, and effective enforcement of the Board of Technical Professions’ Practice Act.

Objective 1:

Ensure that only qualified individuals become licensed as Architects, Professional Engineers, Professional Geologists, Landscape Architects and Professional Surveyors to practice a technical profession in Kansas. The Board believes that a proactive position in establishing a high degree of qualification to practice the technical professions protects the public by alleviating subsequent disciplinary problems which may result if individuals were licensed who has lesser qualifications.

Strategies for Objective 1:

1. Review and evaluate applications for examination and reciprocity.
2. Administer professional exams.

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3. License individuals found to be qualified according to minimum requirements prescribed by law.
4. Process renewals for individuals.
5. Maintain and retrieve data.

Performance measures for objective 1

	<u>FY21</u> Actual	<u>FY22</u> Actual	<u>FY23</u> Actual	<u>FY24</u> Estimated	<u>FY25</u> Estimated
No. of new Intern Surveyor, Engineer & Geologist applications	180	231	246	230	240
Percent of Intern Surveyor & Intern Geologist examinees that passed	60%	60%	80%	80%	80%
No. of new “license by exam application” – Professional Engineers, Professional Geologists, Architects, Landscape Architects & Professional Surveyors	207	293	299	250	250
Percent of exam applicants licensed – Professional Engineers, Professional Geologists, Architects, Landscape Architects & Professional Surveyors	65%	65%	75%	75%	75%
No of comity/reciprocity applications	728	798	891	675	675
Percent of comity/reciprocity applicants licensed	96%	96%	96%	95%	95%
No. of days for applicant to receive a file status	2	2	2	2	2
NO. OF CURRENT LICENSES:					
Architects	2830	2861	2876	2850	2850
Professional Engineers	12408	12325	12378	12000	12000
Professional Surveyors	569	542	533	500	500
Landscape Architects	332	332	328	340	340
Professional Geologists	543	529	510	540	540
TOTAL	16,682	16,589	16,625	16,230	16,230

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NO. OF RENEWALS (for 1/2 alphabet)

Architects	1241	1342	1204	1250	1250
Professional Engineers	5394	6409	5364	5800	5800
Professional Surveyors	258	325	239	275	275
Landscape Architects	164	164	161	160	160
Professional Geologists	234	270	209	250	250
TOTAL	7,291	8,510	7,177	7,735	7,735

Objective 2

Insure that all business entities obtain a certificate of authorization to legally practice a technical profession in Kansas. The Board makes licensees aware of the statutory requirement of having their business entity licensed and keeping the license in good standing through the renewal process. K.S.A. 74-7036 was revised in July 2009 to include all business entities and split the alphabet for renewal windows.

Strategies for Objective 2:

1. Inform reciprocity applicants that to practice a technical profession through a business entity, the business entity needs a KSBTP Certificate of Authorization.
2. Provide assistance, review and evaluation of applications for all business entities.
3. License business entities found to be qualified as prescribed by law.
4. Publish web page and newsletter articles dealing with compliance of Statutes for business entities.
5. Process renewals for business entities.
6. Maintain and retrieve data.
7. Insure that applications are acted upon in a timely manner.

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Performance measures for objective 2

NO. OF CURRENT CERTIFICATES

	<u>FY21</u> Actual	<u>FY22</u> Actual	<u>FY23</u> Actual	<u>FY24</u> Estimated	<u>FY25</u> Estimated
Architecture Business Entities	655	662	664	650	650
Engineering Business Entities	1825	1856	1875	1800	1800
Surveying Business Entities	188	188	184	180	180
Landscape Architecture Business Entities	72	71	69	70	70
Geology Business Entities	85	79	76	90	90
TOTAL	2,825	2,856	2,868	2,780	2,780

Number of Business Entity Applications

Number of days for a business entity to receive a file status report

Percent of business entity applications certified

Number of business entities renewing

Objective 3

The Board believes that only qualified persons should continue to be licensed in Kansas. Licensees are renewed every two years. As a result of the passage of H.B. 2138 in 1995, the Board adopted rules and regulations to require continuing education to monitor the continued professional development of all licensees.

Strategies for Objective #3:

1. Inform licensees of continuing education requirements.
2. Respond to inquiries concerning continuing education requirements.
3. Conduct compliance review of continuing education requirements on all license renewals.
4. Conduct compliance review of continuing education requirements on all reinstatement applications.
5. Conduct compliance review of continuing education requirements on all return to practice applications.
6. Audit the required number of licensees during the renewal process.

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Performance measures for objective 3

	<u>FY21</u> Actual	<u>FY22</u> Actual	<u>FY23</u> Actual	<u>FY24</u> Estimated	<u>FY25</u> Estimated
Days of staff time provided to individuals who need assistance with the continuing education process	90	90	90	90	90
Percent of licensees audited	0%	0%	3%	3%	3%
No. of days per year staff and Board spend on audit process	0	0	100	100	100
Number of licensees audited	0	0	167	215	215
Number of renewal applications reviewed for continuing education	0	0	167	215	215

Objective 4

To ensure effective enforcement of the Board of Technical Professions' Practice Act, and insure due process for any such reported violations.

Strategies for Objective #4:

1. Investigate reported violations of the Board of Technical Professions' Practice Act.
2. Reach final resolution of violations investigated.
3. Increase awareness on the part of the public and technical professions through web page and newsletter reporting information regarding the Board's laws and any infractions of the Board's Practice Act.

Performance measures for Objective 4

	<u>FY21</u> Actual	<u>FY22</u> Actual	<u>FY23</u> Actual	<u>FY24</u> Estimated	<u>FY25</u> Estimated
Percent of cases completed during Fiscal Year resulting in disciplinary action	20%	24%	20%	25%	25%
No. of unresolved files carried forward from previous years	9	7	5	10	10
No. of new inquiries received in fiscal year	52	46	57	50	50

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Total No. of files closed in fiscal year (includes a, b, and c)	53	37	56	40	40
(a) No. of files closed with no action taken	46	27	53	30	30
(b) No. of files closed with Informational correspondence, no formal discipline	2	2	1	2	2
(c) No. of files closed with formal disciplinary action	5	8	2	7	7
No. of files remaining open where, disciplinary action taken, terms not yet met	2	0	2	2	2
No. of new inquiries with disciplinary action in the same fiscal year	2	3	2	5	5
No. of licenses revoked or surrendered as a result of disciplinary action	0	0	0	0	0
No. of formal hearings held	0	1	0	0	0
No. of complaint committee meetings held	5	5	5	5	5

Explanation of receipts estimates

Comity Applicants	FY 2022			FY 2023			FY 2024			FY 2025		
	No.	Fee	Actual Totals	No.	Fee	Actual Totals	No.	Fee	Estimated Totals	No.	Fee	Estimated Totals
Arch	160	250	40,000	161	250	40,250	140	250	35,000	140	250	35,000
LA	15	250	3,750	12	250	3,000	10	250	2,500	10	250	2,500
PS	11	250	2,750	14	250	3,500	15	250	3,750	15	250	3,750
PE	606	250	151,500	697	250	174,250	490	250	122,500	490	250	122,500
GEO	6	250	1,500	7	250	1,750	10	250	2,500	10	250	2,500
Sub-Total	798		199,500	891		222,750	665		166,250	665		166,250

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Exam Applicants	No.	Fee	Actual Totals	No.	Fee	Actual Totals	No.	Fee	Estimated Totals	No.	Fee	Estimated Totals
Arch	23	60	1,380	25	60	1,500	25	60	1,620	25	60	1,620
LA	5	60	300	4	60	240	3	60	180	3	60	180
PS	3	60	180	7	60	420	4	60	240	4	60	240
PE	246	60	14,760	248	60	14,880	235	60	14,100	235	60	14,100
GEO	16	60	960	15	60	900	6	60	360	6	60	360
Sub-Total	293		17,580	299		17,940	273		16,380	273		16,380

Reinstatements	No.	Fee	Actual Totals	No.	Fee	Actual Totals	No.	Fee	Estimated Totals	No.	Fee	Estimated Totals
Arch	36	100	3,600	61	100	6,100	20	100	2,000	15	100	1,500
LA	1	100	100	2	100	200	1	100	100	1	100	100
PS	1	100	100	2	100	200	1	100	100	1	100	100
PE	72	100	7,200	117	100	11,700	55	100	5,500	55	100	5,500
GEO	2	100	200	2	100	200	1	100	100	1	100	100
Business Entities	54	100	5,400	54	100	5,400	20	100	2,000	15	100	1,500
Sub-Total	166		16,600	238		23,800	98		8,800	98		8,800
Comity/Reinstat/Exam Total			216,100			264,490			192,430			192,430

Renewals*	No.	Fee	Actual Totals	No.	Fee	Actual Totals	No.	Fee	Estimated Totals	No.	Fee	Estimated Totals
Arch	1,342	70	93,940	1,204	70	84,280	1300	70	91,000	1300	70	91,000
LA	164	70	11,480	161	70	11,270	180	70	12,600	180	70	12,600
PS	325	70	22,750	239	70	16,730	230	70	16,100	230	70	16,100
PE	6,409	70	448,630	5,364	70	375,480	5500	70	385,000	5500	70	385,000
GEO	270	70	18,900	209	70	14,630	250	70	17,500	250	70	17,500
Late Fee	569	20	11,380	442	20	8,840		20			20	
Business Entities	1,098	95	104,310	1,484	95	140,980	1300	95	123,500	1300	95	123,500
Renewal Revenue Total	9,608		711,390	9,103		652,210	8,525		645,700	8,525		645,700

New Business Entity	208	170	35,360	202	170	34,340	150	170	25,500	150	170	25,500
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Replacements	No.	Fee	Actual Totals	No.	Fee	Actual Totals	No.	Fee	Estimated Totals	No.	Fee	Estimated Totals
Certificates	23	20	460	19	20	380	25	20	500	25	20	500
Total 2110 Receipts			969,885			954,698			895,000			895,000
Less 10% to SGF			94,603			95,444			89,500			89,500
Difference			875,282			859,254			805,500			805,500
Refunds/Transfers to SGF												
Net Fee Fund 2729			875,282			859,254			805,500			805,500

*Renewal Fees increased to \$70 for individuals and \$95 for business entities on January 1, 2016.

**Includes New and Retake Examinees

Civil Fees			
100% to SGF	1,150	0	3,000

OVERVIEW OF AGENCY BUDGET AT EACH BUDGET LEVEL

Current Year:

The Board will continue to administer the technical professions of architecture, engineering, geology, landscape architecture, and surveying by granting a license to practice for individuals who have proven minimum competency through the statutory requirements of education, experience, and examination, and the practice of technical professions by business entities. The Board staff will continue to administer the Kansas State Specific Exam required for Professional Surveyor applicants.

The Board is continuing to be proactive in the process of licensure and review of continuing education. The Board will continue their investigative work for the purpose of enforcing the Board’s Practice Act.

FY2024 and FY 2025

Within the current service level allocation, the Board will continue to administer the technical professions of architecture, engineering, geology, landscape architecture and surveying by granting a license to practice for individuals who have proven minimum competency through the statutory requirements of education, experience, and examination, and the practice of technical professions by business entities. The Board will continue to be proactive in the process of licensure and review of continuing education. The Board will also

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regulate the technical professions by investigating all inquiries and complaints regarding the practice of a technical profession brought forth by the general public or other licensees, and will take appropriate disciplinary action or instigate criminal prosecution for any violations. The current appropriated level for FY 24 is \$822,713 FY 25 is 824,843 and the board is not requesting an increase.

Application – All exam costs are paid by the applicant directly to the exam vendor. There is a \$60 fee to process the by Exam application for all professions. Future exam fees are subject to change dependent upon the vendor. The comity application fee for all professions is \$250 and the Certificate of Authorization for a Business Entity application fee is \$170.

Renewal – All renewal fees are due biennially (every two years). The Board lowered renewal fees in 2010 and in 2012. Renewal fees were raised in 2016 to \$70 for individuals and \$95 for business entities. The renewal fees continue at this level.

Reinstatement – The reinstatement fee for an individual license or a business entity is \$100 (K.S.A. 74-7025).

Replacement – To replace a lost, destroyed or mutilated license or certificate, replacement fees are specifically established by statute at \$20 each (K.S.A. 74-7045).

Reissue – To reissue a suspended or revoked individual or business entity license or certificate, reissue fees are specifically established by statute at \$100 for individual and \$150 for business entity certificate (K.S.A. 74-7026 (5)(c)).

Civil Fines – K.S.A. 74-7039 authorizes the Board of Technical Professions to assess civil fines against any person or entity for violations of the statutes, rules and regulations or orders enforceable by the board in any amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation, and \$15,000 for the third violation and each subsequent violation. **In FY 2023, the board did not collect any civil fines.**

Object Code 51000: Salaries and Wages

The 5 positions allocated to the agency provide for licensure, regulation, and discipline of technical professionals who violate the statutes, rules and regulations of the Board of Technical Professions. The Executive Director heads the agency with the assistance of an Assistant Executive Director, Public Service Administrator, and two Administrative Specialists. The Board of Technical Professions meets five times a year to make decisions and to set direction for the staff.

Current year-The amount of \$434,067 has been funded for the 5 full time positions.

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FY 2025 -The amount of \$433,295 represents the amount needed to maintain staffing positions.

Object Code 52000-52900: Contractual Service

One of the Agency's most important functions is the enforcement program which provides protection for the public's health, safety and welfare. Pursuant to K.S.A. 74-7008, the Board enters into contracts for legal counsel and technical investigators. The investigators are licensed in a technical profession and serve as technical experts and witnesses in providing evidence for the Board.

Based on previous year expenditures and allowing for cost increases, the request includes the costs of printing certificates for professional licenses and certificates of authorization. The request also includes expenditures for postage to mail renewal notices, exam score notifications, licenses and other pieces of official correspondence. Travel expenditures are included for in-state board meetings and hearings as well as funding for attending out-of-state national council conferences for the five professions.

Other general expenditures in this object code have been adjusted according to the budget indices including office rent, repairing and servicing office equipment, national council memberships, court reporting services, OITS services on the KS LOC system, cybersecurity and hosting of the agency System Automation Enterprise licensure software.

Expenditures in this object code include \$2,000 for official hospitality for FY 2024. This fund is utilized to provide outreach to licensees regarding statute updates, changes to continuing education requirements and promotion of the technical professions. Along with outreach, the fund provides a box lunch for the 13 board members during our five meetings each year. The meetings have always been a working lunch. With few of the appointed board members residing in Topeka, they would not complete all their tasks in one day if required to take a lunch break.

FY 2024 Current Resources - \$377,646 allows the agency to maintain current programs.

FY 2025 Resources – \$380,548 allows the agency to maintain current programs.

Object Code 53000-53900: Commodities

The agency has expenditures in this category for supplies related to the operation of agency functions.

FY 2024 Current Resources - \$5,500 represents an amount for maintaining current service levels.

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FY 2025 Resources - \$5,500 represents an amount for maintaining current service levels.

Object Code 54000: Capital Outlay

The agency maintenance schedule for desktop computers and data storage is important for operational purposes. Capital Outlay funds have been set in the amount of \$5,500 for current FY 2024 and remain this same amount \$5,500 for FY 2025 to continue providing computer and storage equipment on a scheduled cycle, as well as providing needed equipment for anticipated computer-based testing needs of exams administered by office staff.