



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

June 24, 1976

ATTORNEY GENERAL OPINION NO. 76-190

Mr. William R. Hale
Secretary-Treasurer
Kansas State Registration and Examining
Board of Architects
535 Kansas Avenue - 12th Floor
Topeka, Kansas 66603

Re: State Boards--Board of Technical Professions--Powers
and Duties

Synopsis: As of July 1, 1976, the State Registration and Examining Board of Architects, the Landscape Architects Board and the State Board of Engineering Examiners are abolished. Its power and authority passes to the Board of Technical Professions, whose members must be appointed within 60 days from July 1, 1976. Until those members are appointed, and the board is duly organized, the present boards are *functus officio* as of July 1, 1976, and their employees may not continue to discharge the duties of said boards, including the execution of legal documents, vouchers, registrations and the like, until the members of the Board of Technical Professions are appointed by the governor and the board is duly organized.

* * *

Dear Mr. Hale:

You inquire concerning the powers and duties of the State Registration and Examining Board of Architects, the Landscape Architects Board and the State Board of Engineering Examiners as of July 1, 1976.

Substitute for House Bill 3203, enacted by the 1976 legislature, takes effect on that date. Section 11 of that act provides that

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each of the named boards, and the office of secretary of each, is abolished on that date. At that time, "[a]ll of the powers, duties and functions of . . . [these boards] are hereby transferred to and conferred and imposed upon the state board of technical professions. . . ." Similarly, on that date the architects examiners fee fund, the landscape architects' fee fund, the professional engineers' fee fund, and the land surveyors fee fund are abolished, and the Director of Accounts and Reports must transfer and credit any money in those funds to the technical professions fee fund, which is established by this act.

You inquire, particularly, concerning the status of the present employees of the board. Section 12 states in pertinent part thus:

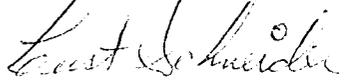
"Effective July 1, 1976, officers and employees who were engaged prior to said date in the performance of powers, duties, and functions of the state agencies and offices designated in subsection (a), and who, in the opinion of the state board of technical professions are necessary to perform the powers, duties, and functions of the state board of technical professions shall become officers and employees of the board of technical professions. . . ."

You express particular concern regarding the exercise of the powers of the present boards on and after July 1, 1976, if the new members are not appointed by that time. Under section 6 the members of the first board of technical professions must be appointed within sixty days after July 1, 1976. You advise that appointment of the members of the first board has not been announced to date. The present boards are *functus officio* as of July 1, 1976, and may no longer exercise the legal powers and authority formerly vested in them. Unless and until the members of the board of technical professions are appointed, and the board is duly constituted, no agency or officer is empowered to exercise any of the powers and authority of the boards which are abolished as of July 1, 1976. Only the board of technical professions is the legal successor to the powers of those boards, and until it is duly organized, and its employees selected, the employees of the present boards may not continue to execute legal documents, vouchers, registrations and the like. After July 1, 1976, their authority to do so must derive from the board of technical

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professions, and, per force, until its members are appointed and the board is duly organized, no person may act in its name.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Curt T. Schneider".

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj