



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

June 2, 1982

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION 296-3751
ANTITRUST 296-5299

ATTORNEY GENERAL OPINION NO. 82- 118

Jean A. Barbee, Executive Secretary
Kansas State Board of Technical Professions
Suite 1105 - 535 Kansas Avenue
Topeka, Kansas 66603

Re: State Boards, Commissions and Authorities -- State
Board of Technical Professions -- Practice of Land
Surveying by Unlicensed Persons

Synopsis: K.S.A. 74-7001(a) requires that one be professionally
qualified as well as hold a license or certificate
of authorization from the Board in order to prac-
tice any of the technical professions. Therefore,
other than the exceptions found in K.S.A. 74-7034
and those which might apply in K.S.A. 74-7035, land
surveyors are exclusively authorized to prepare
original descriptions of real property for convey-
ance or recording. Cited herein: K.S.A. 74-7001,
74-7003, 74-7029, 74-7034, 74-7035, 74-7036.

*

*

*

Dear Ms. Barbee:

As executive secretary of the Kansas State Board of Technical Professions, you have requested our opinion concerning the profession of land surveyor, which is regulated by the Board of Technical Professions. Specifically, you wish to ascertain whether licensed land surveyors are exclusively authorized to prepare original descriptions of real property for conveyance or recording.

A land surveyor is defined in K.S.A. 74-7003(j) as "a person who is professionally qualified . . . to engage in the practice of land surveying and who is licensed by the board." The practice of land surveying is defined as "the application of mathematics and the principles of law and methods of land

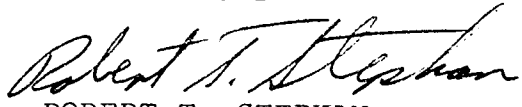
Jean A. Barbee
Page Two

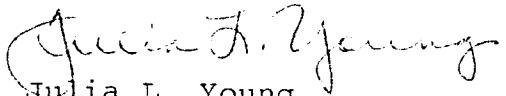
measurement for the location or relocation of land boundaries and land monuments; the measurement and calculation of land areas; the preparation of the original descriptions of real property for conveyance or recording; and the preparation of maps or certificates of survey thereof." K.S.A. 74-7003(k).

K.S.A. 74-7001(a) prohibits any person from practicing or offering to practice any of the technical professions unless such person is duly licensed by the Board or holds a certificate of authorization issued under K.S.A. 74-7036. That licensure requirement does not affect the practice of land surveying done under the conditions provided in K.S.A. 74-7034. In addition, K.S.A. 74-7035 contains general exceptions to the application of the act governing technical professions. Other than the specific exemptions to the licensure requirements stated in K.S.A. 74-7034 and those exemptions which might apply to the practice of land surveying found in K.S.A. 74-7035, unlicensed persons are expressly prohibited from practicing land surveying, and may incur criminal penalties for a violation of the licensure requirements. K.S.A. 74-7029. See generally Attorney General Opinion No. 79-111.

In conclusion, K.S.A. 74-7001(a) requires that one be professionally qualified as well as hold a license or certificate of authorization from the Board of Technical Professions in order to practice any of the technical professions. Therefore, other than the exceptions found in K.S.A. 74-7034 and 7035, land surveyors are exclusively authorized to prepare original descriptions of real property for conveyance or recording.

Very truly yours,


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS


Julia L. Young
Assistant Attorney General

RTS:BJS:JLY:hle