

CHAPTER 177
HOUSE BILL No. 2399

AN ACT concerning state capital improvement projects; relating to architectural and engineering services; amending K.S.A. 75-1251 and 75-1269 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-1251 is hereby amended to read as follows: 75-1251. As used in K.S.A. 75-1250 through 75-1267, and amendments thereto, unless the context otherwise requires, *the following terms shall be defined as follows:*

(a) "Firm" means ~~such~~ any individual, firm, partnership, corporation, association, or other legal entity ~~which that is~~ (1) permitted by law to practice the profession of architecture; and ~~(2) maintaining that meets one of the following conditions:~~

(1) ~~Maintains~~ an office in Kansas staffed by one or more architects who are licensed by the board of technical professions; or ~~(2) does not maintaining maintain~~ an office in Kansas but ~~which~~ is qualified to perform special architectural services that are required in special cases where in the judgment of the secretary of administration it is necessary to go outside the state to obtain such services.

(b) "Negotiating committee" means a committee to negotiate as provided in this act, and consisting of *the following members:* (1) The head of the state agency for which the proposed project is planned or of the state agency ~~which that~~ controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the case, or a person designated by the head of the agency; (2) the head of the institution for which the proposed project is planned, or a person designated by the head of the institution; ~~When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution;~~ and (3) the ~~director of the division of architectural services~~ secretary of administration, or a person designated by the ~~director~~ secretary, who shall act as chairperson of the committee. ~~When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution.~~

(c) "Architectural services" means ~~those services described~~ any of the following: (1) *The practice of architecture, as defined in subsection (e) of K.S.A. 74-7003 and amendments thereto;*

(2) *the practice of landscape architecture, as defined in subsection (g) of K.S.A. 74-7003, and amendments thereto; and*

(3) *interior design services.*

(d) "Project architect" means a firm employed under this act for a particular project.

(e) "State building advisory commission" means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto, or any duly authorized officer or employee of such commission.

(f) "State agency" includes any state institution.

Sec. 2. K.S.A. 75-1269 is hereby amended to read as follows: 75-1269. (a) ~~For~~ *The provisions of this section shall apply to the following capital improvement projects:*

(1) *Any capital improvement ~~projects~~ project that is funded from the Kansas educational building fund or state institutions building fund and for which the department of administration will provide architectural services, engineering services or management services;*

(2) *any other state agency capital improvement project that is not financed, in whole or in part, by gifts, bequests or donations made by one or more private individuals or other private entities and for which the department of administration will provide architectural services, engineering services or management services; and*

(3) *any other state agency capital improvement project that is partially financed by gifts, bequests or donations made by one or more private individuals or other private entities and for which the department of administration will provide architectural services, engineering services or management services, except that only that portion of the estimated cost of such capital improvement project that is not financed by such gifts, bequests or donations shall be subject to the provisions of this section.*

~~(b) (1) When in-house architectural design services under K.S.A. 75-1254, and amendments thereto, or in-house engineering design services are provided by the department of administration for any project authorized pursuant to this section the secretary of administration shall receive 1% fee for such services as provided in this section. Subject to the provisions of subsection (b), commencing on July 1, 1986, and each July 1 thereafter, the director of accounts and reports shall transfer from appropriation accounts of the Kansas educational building fund and state institutions building fund to the architectural services recovery fund an amount equal to 1% of the appropriations made from the Kansas educational building fund and state institutions building fund for the current fiscal year.~~

~~(b) On July 1, 1986, and each July 1 thereafter, the secretary of administration or the secretary's designee shall submit to the director of accounts and reports a listing of capital improvement projects funded for the current fiscal year from the Kansas educational building fund and state institutions building fund for which the department of administration will not be providing architectural services, engineering services or management services. The appropriations for such projects shall not be included by the director of accounts and reports in computing the amount to be transferred pursuant to subsection (a). or the secretary's designee shall negotiate a design fee with the state agency for which the project is being constructed. The negotiated design fee shall be fixed in an amount not to exceed the actual costs to the department of administration of providing those services.~~

(2) *The secretary of administration is authorized to fix, charge and collect fees for all other architectural, engineering and management services provided by the department of administration for projects authorized pursuant to this section. The secretary of administration shall use the projected cost of a project, the complexity of a project, the type of construction involved in a project and the level of services provided by the department of administration as factors in establishing the rate or amount of such fees. The state agency for which the project is being constructed shall remit the fees established under this paragraph to the secretary of administration or the secretary's designee according to the following schedule:*

(A) *For any project with a total estimated cost of less than \$3,000,000, the entire fee shall be paid at the time the construction contracts for the project are bid.*

(B) *For any project with a total estimated cost of \$3,000,000 or more, one-half of the fee shall be paid at the time the construction contracts for the project are bid, and the remaining one-half shall be paid when construction of the project is 50% complete.*

(c) As used in this section:

(1) "Architectural services" has the meaning ascribed thereto by K.S.A. 75-1251 and amendments thereto;

(2) "engineering services" has the meaning ascribed thereto by K.S.A. 75-5802 and amendments thereto; and

(3) "management services" means management, consultation, direction, oversight, inspection and other services performed by the secretary of administration under K.S.A. 75-1250 to 75-1268, inclusive, 75-3740 to 75-3742, inclusive, 75-3783 to 75-3785, inclusive, and 75-5801 to 75-5807, inclusive, and any amendments to such statutes.

(d) All moneys received by the secretary of administration under this section shall be credited to the architectural services recovery fund, which is hereby created in the state treasury. All expenditures from the architectural services recovery fund shall be for operating expenditures of the ~~division of architectural services~~ *department of administration* in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or by a person or persons designated by the secretary.

Sec. 3. K.S.A. 75-1251 and 75-1269 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.