

SENATE BILL No. 54

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning the state board of technical professions; amending
 2 K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7016, 74-
 3 7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7038, 74-7039, 74-
 4 7040 and 75-5802 and K.S.A. 2012 Supp. 19-216c, 19-1401a, 72-
 5 6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-
 6 7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-
 7 99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the
 8 existing sections; also repealing K.S.A. 74-7037 and 74-7042 and
 9 K.S.A. 2012 Supp. 74-7041.
 10

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

12 Section 1. K.S.A. 2012 Supp. 19-216c is hereby amended to read as
 13 follows: 19-216c. (a) "Alternative project delivery" means an integrated
 14 comprehensive building design and construction process, including all
 15 procedures, actions, sequences of events, contractual relations, obligations,
 16 interrelations and various forms of agreement all aimed at the successful
 17 completion of the design and construction of buildings and other structures
 18 whereby a construction manager or general contractor or building design-
 19 build team is selected based on a qualifications and best value approach.

20 (b) "Ancillary technical services" include, but shall not be limited to,
 21 geology services and other soil or subsurface investigation and testing
 22 services, surveying, adjusting and balancing air conditioning, ventilating,
 23 heating and other mechanical building systems and testing and consultant
 24 services that are determined by the agency to be required for the project.

25 (c) "Architectural services" means those services described by
 26 ~~subsection (e) of~~ *as the "practice of architecture," as defined in K.S.A. 74-*
 27 *7003, and amendments thereto.*

28 (d) "Best value selection" means a selection based upon objective
 29 criteria related to price, features, functions, life-cycle costs and other
 30 factors.

31 (e) "Board" means the board of county commissioners or its
 32 designees and the board as defined in K.S.A. 80-2501, and amendments
 33 thereto.

34 (f) "Building construction" means furnishing labor, equipment,
 35 material or supplies used or consumed for the design, construction,
 36 alteration, renovation, repair or maintenance of a building or structure.

Proposed Amendments to SB 54
 Committee on Federal and State Affairs
 February 6, 2013
 Prepared by Mike Heim
 Office of Revisor of Statutes

1 of landscape architecture shall not be construed to prevent or to affect:

2 (a) The right of any individual to engage in the occupation of growing
3 and marketing nursery stock or to use the title nurseryman, landscape
4 nurseryman or gardener, or to prohibit any individual to plan or plant such
5 individual's own property.

6 (b) The right of nurserymen to engage in preparing and executing
7 planting plans.

8 (c) The practice of site development planning, in accordance with the
9 practice of architecture, or the practice of engineering.

10 Sec. 24. K.S.A. 74-7033 is hereby amended to read as follows: 74-
11 7033. The provisions of ~~this act~~ *K.S.A. 74-7001 et seq., and amendments*
12 *thereto*, requiring licensure or the issuance of a certificate of authorization
13 under K.S.A. 74-7036, and amendments thereto, to engage in the practice
14 of engineering shall not be construed to prevent or to affect:

15 (a) Except as provided by subsection (b), the design or erection of
16 any structure or work by a person who owns the structure or work, upon
17 such person's own premises for such person's own use if the structure or
18 work is not to be used for human habitation, is not to serve as a place of
19 employment, and is not to be open to the public for any purpose
20 whatsoever.

21 (b) Persons designing or erecting or preparing plans, drawings or
22 specifications for ~~one or two family dwellings~~ *buildings housing no more*
23 *than two dwelling units in one contiguous structure or for agricultural*
24 *buildings as defined by K.S.A. 74-7031 and amendments thereto.*

25 (c) Persons engaged in planning, drafting and designing of products
26 manufactured for resale to the public.

27 (d) The performance of services by a licensed landscape architect in
28 connection with landscape and site planning for the sites, approaches or
29 environment for buildings, structures or facilities.

30 Sec. 25. K.S.A. 2012 Supp. 74-7034 is hereby amended to read as
31 follows: 74-7034. The provisions of K.S.A. 74-7001 et seq., and
32 amendments thereto, requiring licensure or the issuance of a certificate of
33 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
34 the practice of ~~land~~ surveying shall not be construed to prevent or to affect:

35 (a) ~~The~~ *Those surveying activities, which include locating or laying*
36 *out of alignments, positions or elevations where such work is part of the*
37 *construction of engineering or architectural works, when such activities*
38 *are for purposes other than the conveyance of an interest in real property.*

39 (b) The practice of ~~land~~ surveying by an individual of such
40 individual's own real property or that of such individual's employer for
41 purposes other than the conveyance of an interest in such real property.

42 (c) The surveying on farms for agricultural purposes other than the
43 conveyance of an interest in such farm property.

1 (d) The performance of services by a licensed landscape architect or
2 by a business entity issued a certificate of authorization to provide services
3 in landscape architecture under K.S.A. 74-7036, and amendments thereto,
4 in connection with landscape and site planning for the sites, approaches or
5 environment for buildings, structures or facilities.

6 New Sec. 26. The provisions of K.S.A. 74-7001 et seq, and
7 amendments thereto, requiring licensure or the issuance of a certificate of
8 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
9 the practice of geology shall not be construed to prevent or to affect:

10 (a) The practice of geology by any person before July 1, 2000.

11 (b) The practice of geology which is exclusively in the exploration
12 for and development of energy resources and economic minerals, and
13 which does not affect the health, safety, property and welfare of the public,
14 as determined by the board.

15 (c) The acquisition of engineering data, geologic data for engineering
16 purposes and the utilization of such data by licensed professional
17 engineers.

18 (d) The performance of work customarily performed by graduate
19 physical or natural scientists.

20 (e) The teaching of geology in a college or university offering an
21 approved geology curriculum.

22 Sec. 27. K.S.A. 74-7035 is hereby amended to read as follows: 74-
23 7035. The provisions of ~~this act~~ K.S.A. 74-7001 et seq, and amendments
24 ~~thereto~~, shall not apply to:

25 (a) The work of an employee, consultant or a subordinate of a person
26 holding a license under ~~this act~~ K.S.A. 74-7001 et seq, and amendments
27 ~~thereto~~, if such work does not include final designs or decisions,
28 responsible charge of design or supervision and is done under the direct
29 responsibility and supervision of a person practicing lawfully a technical
30 profession;

31 (b) ~~the practice of persons who are not residents of and have not~~
32 ~~established a place of business in this state, who are acting as consulting~~
33 ~~associates of persons licensed under the provisions of this act and who are~~
34 ~~legally qualified for such professional service in such persons' own state or~~
35 ~~entity;~~

36 (c) ~~the practice work of any person who is exclusively and regularly~~
37 ~~employed by one a single employer entity; the, provided, such employer is~~
38 ~~not being an engineering, architectural or land, surveying, landscape~~
39 ~~architectural or geology firm, and the employer is not being primarily~~
40 ~~engaged in the business of conveying an interest in real property; in and~~
41 ~~also provided, such work is performed under an employer-employee~~
42 ~~relationship, in and making surveys of land and determinations of physical~~
43 ~~property rights is performed solely in connection with the affairs of~~

(e) Mapping by governmental agencies when such activity does not involve the locating, relocating, or physical establishment of land boundaries and related monuments or the preparation of original or field retracement of existing descriptions of real property.