

**SENATE BILL No. 155**

By Committee on Federal and State Affairs

2-8

1 AN ACT concerning technical professions; amending K.S.A. 2012 Supp.  
2 74-7003 and 74-7013 and repealing the existing sections.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2012 Supp. 74-7003 is hereby amended to read as  
6 follows: 74-7003. As used in K.S.A. 74-7001 et seq., and amendments  
7 thereto:

8 (a) "Technical professions" includes the professions of engineering,  
9 land surveying, architecture, landscape architecture and geology as the  
10 practice of such professions are defined in K.S.A. 74-7001 et seq., and  
11 amendments thereto.

12 (b) "Board" means the state board of technical professions.

13 (c) *"Ethical marketing of professional services" means the*  
14 *solicitation or offer by a licensee, either as an individual or on behalf of a*  
15 *business entity or by a business entity, to provide professional services for*  
16 *a potential governmental client, based on the licensee's professional*  
17 *qualifications, technical ability, specialized training and ability to provide*  
18 *the services in a timely manner, with the fee for such services entering into*  
19 *the discussions only after such governmental client has identified the*  
20 *licensee who is most qualified to provide the services required. For the*  
21 *purpose of this subsection, if an individual who is not a licensee is acting*  
22 *on behalf of a business entity, the business entity shall be responsible for*  
23 *the actions of the non-licensee.*

24 ~~(e)~~ (d) "License" means a license to practice the technical professions  
25 granted under K.S.A. 74-7001 et seq., and amendments thereto.

26 ~~(d)~~ (e) "Architect" means a person whose practice consists of:

27 (1) Rendering services or performing creative work which requires  
28 architectural education, training and experience, including services and  
29 work such as consultation, evaluation, planning, providing preliminary  
30 studies and designs, overall interior and exterior building design, the  
31 preparation of drawings, specifications and related documents, all in  
32 connection with the construction or erection of any private or public  
33 building, building project or integral part or parts of buildings or of any  
34 additions or alterations thereto, or other services and instruments of  
35 services related to architecture;

36 (2) representation in connection with contracts entered into between

1 clients and others; and

2 (3) observing the construction, alteration and erection of buildings.

3 ~~(e)~~ (f) "Practice of architecture" means the rendering of or offering to  
4 render certain services, as described in subsection (d), in connection with  
5 the design and construction or alterations and additions of a building or  
6 buildings; the design and construction of items relating to building code  
7 requirements, as they pertain to architecture, and other building related  
8 features affecting the public's health, safety and welfare; the preparation  
9 and certification of any architectural design features that are required on  
10 plats; and the teaching of architecture by a licensed architect in a college  
11 or university offering an approved architecture curriculum of four years or  
12 more.

13 ~~(f)~~ (g) "Landscape architect" means a person who is professionally  
14 qualified as provided in K.S.A. 74-7001 et seq., and amendments thereto,  
15 to engage in the practice of landscape architecture, who practices  
16 landscape architecture and who is licensed by the board.

17 ~~(g)~~ (h) "Practice of landscape architecture" means the performing of  
18 professional services such as consultation, planning, designing or  
19 responsible supervision in connection with the development of land areas  
20 for preservation and enhancement; the designing of land forms and  
21 nonhabitable structures for aesthetic and functional purposes such as  
22 pools, walls and structures for outdoor living spaces for public and private  
23 use; the preparation and certification of any landscape architectural design  
24 features that are required on plats; and the teaching of landscape  
25 architecture by a licensed landscape architect in a college or university  
26 offering an approved landscape architecture curriculum of four years or  
27 more. It encompasses the determination of proper land use as it pertains to:  
28 Natural features; ground cover, use, nomenclature and arrangement of  
29 plant material adapted to soils and climate; naturalistic and aesthetic  
30 values; settings and approaches to structures and other improvements; soil  
31 conservation erosion control; drainage and grading; and the development  
32 of outdoor space in accordance with ideals of human use and enjoyment.

33 ~~(h)~~ (i) "Professional engineer" means a person who is qualified to  
34 practice engineering by reason of special knowledge and use of the  
35 mathematical, physical and engineering sciences and the principles and  
36 methods of engineering analysis and design, acquired by engineering  
37 education and engineering experience, who is qualified as provided in  
38 K.S.A. 74-7001 et seq., and amendments thereto, to engage in the practice  
39 of engineering and who is licensed by the board.

40 ~~(i)~~ (j) "Practice of engineering" means any service or creative work,  
41 the adequate performance of which requires engineering education,  
42 training and experience in the application of special knowledge of the  
43 mathematical, physical and engineering sciences to such services or

1 creative work as consultation, investigation, evaluation, planning and  
2 design of engineering works and systems, the teaching of engineering by a  
3 licensed professional engineer in a college or university offering an  
4 approved engineering curriculum of four years or more, engineering  
5 surveys and studies, the observation of construction for the purpose of  
6 assuring compliance with drawings and specifications, representation in  
7 connection with contracts entered into between clients and others and the  
8 preparation and certification of any engineering design features that are  
9 required on plats; any of which embraces such service or work, either  
10 public or private, for any utilities, structures, buildings, machines,  
11 equipment, processes, work systems, projects and industrial or consumer  
12 products or equipment of a mechanical, electrical, hydraulic, pneumatic or  
13 thermal nature, insofar as they involve safeguarding life, health or  
14 property. As used in this subsection, "engineering surveys" includes all  
15 survey activities required to support the sound conception, planning,  
16 design, construction, maintenance and operation of engineered projects,  
17 but excludes the surveying of real property for the establishment of land  
18 boundaries, rights-of-way, easements and the dependent or independent  
19 surveys or resurveys of the public land survey system.

20 (j) (k) "Land surveyor" means any person who is engaged in the  
21 practice of land surveying as provided in K.S.A. 74-7001 et seq., and  
22 amendments thereto, and who is licensed by the board.

23 (k) (l) "Practice of land surveying" includes:

24 (1) The performance of any professional service, the adequate  
25 performance of which involves the application of special knowledge and  
26 experience in the principles of mathematics, the related physical and  
27 applied sciences, the relevant requirements of law and the methods of  
28 surveying measurements in measuring and locating of lines, angles,  
29 elevation of natural and man-made features in the air, on the surface of the  
30 earth, within underground workings and on the bed of bodies of water for  
31 the purpose of determining areas, volumes and monumentation of property  
32 boundaries;

33 (2) the planning, mapping and preparation of plats of land and  
34 subdivisions thereof, including the topography, rights-of-way, easements  
35 and any other boundaries that affect rights to or interests in land, but  
36 excluding features requiring engineering or architectural design;

37 (3) the preparation of the original descriptions of real property for the  
38 conveyance of or recording thereof and the preparation of maps, plats and  
39 field note records that represent these surveys;

40 (4) the reestablishing of missing government section corners in  
41 accordance with government surveys;

42 (5) the teaching of land surveying by a licensed land surveyor in a  
43 college or university offering an approved land surveying curriculum of

1 four years or more; and

2 (6) the locating or laying out of alignments, positions or elevations  
3 where such work is part of the construction of engineering or architectural  
4 works.

5 (†) (m) "Person" means a natural person or business entity.

6 (‡) (n) "Plat" means a diagram drawn to scale showing all essential  
7 data pertaining to the boundaries and subdivisions of a tract of land, as  
8 determined by survey or protraction. A plat should show all data required  
9 for a complete and accurate description of the land which it delineates,  
10 including the bearings (or azimuths) and lengths of the boundaries of each  
11 subdivision.

12 (‡) (o) "Geologist" means a person who is qualified to engage in the  
13 practice of geology by reason of knowledge of geology, mathematics and  
14 the supporting physical and life sciences, acquired by education and  
15 practical experience, who is qualified as provided in K.S.A. 74-7001 et  
16 seq., and amendments thereto, to engage in the practice of geology and  
17 who is licensed by the board.

18 (⊕) (p) "Practice of geology" means:

19 (1) The performing of professional services such as consultation,  
20 investigation, evaluation, planning or mapping, or inspection, or the  
21 responsible supervision thereof, in connection with the treatment of the  
22 earth and its origin and history, in general; the investigation of the earth's  
23 constituent rocks, minerals, solids, fluids including surface and  
24 underground waters, gases and other materials; and the study of the natural  
25 agents, forces and processes which cause changes in the earth;

26 (2) the teaching of geology by a licensed professional geologist in a  
27 college or university offering an approved geology curriculum of four  
28 years or more by a person who meets the qualifications for education and  
29 experience prescribed by K.S.A. 74-7041, and amendments thereto; or

30 (3) representation in connection with contracts entered into between  
31 clients and others and the preparation and certification of geological  
32 information in reports and on maps insofar as it involves safeguarding life,  
33 health or property.

34 (⊕) (q) "Business entity" means a general corporation, professional  
35 corporation, limited liability company, limited liability partnership,  
36 corporate partnership or other legal entity created by law.

37 (⊕) (r) "Principal" means a person who serves in a business entity as  
38 an officer, member of a board of directors, member of a limited liability  
39 company or partner.

40 Sec. 2. K.S.A. 2012 Supp. 74-7013 is hereby amended to read as  
41 follows: 74-7013. (a) The board may adopt all rules and regulations,  
42 including rules of professional conduct, which are necessary for  
43 performance of its powers, duties and functions in the administration of

1 the provisions of K.S.A. 74-7001 et seq., and amendments thereto.

2 (b) The board, through rules and regulations, may require continuing  
3 education as a condition for license renewal or reinstatement and may  
4 exempt persons from such continuing education requirements.

5 (c) *The board may adopt rules and regulations concerning the ethical*  
6 *marketing of professional services by licensees.*

7 Sec. 3. K.S.A. 2012 Supp. 74-7003 and 74-7013 are hereby repealed.

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