

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.

1 Building construction does not include highways, roads, bridges, dams,
2 turnpikes or related structures, or stand-alone parking lots.

3 (g) "Building design-build" means a project for which the design and
4 construction services are furnished under one contract.

5 (h) "Building design-build contract" means a contract between the
6 board and a design-builder to furnish the architecture or engineering and
7 related design services required for a given public facilities construction
8 project and to furnish the labor, materials and other construction services
9 for such public project.

10 (i) "Construction services" means the process of planning, acquiring,
11 building, equipping, altering, repairing, improving, or demolishing any
12 structure or appurtenance thereto, including facilities, utilities or other
13 improvements to any real property, excluding highways, roads, bridges,
14 dams or related structures, or stand-alone parking lots.

15 (j) "Construction management at-risk services" means the services
16 provided by a firm which has entered into a contract with the board to be
17 the construction manager or general contractor for the value and schedule
18 of the contract for a project, which is to hold the trade contracts and
19 execute the work for a project in a manner similar to a general contractor,
20 and which is required to solicit competitive bids for the trade packages
21 developed for the project and to enter into the trade contracts for a project
22 with the lowest responsible bidder therefor. Construction management at-
23 risk services may include, but are not limited to, scheduling, value
24 analysis, system analysis, constructability reviews, progress document
25 reviews, subcontractor involvement and prequalification, subcontractor
26 bonding policy, budgeting and price guarantees and construction
27 coordination.

28 (k) "Construction management at-risk contract" means the contract
29 whereby the board acquires from a construction manager or general
30 contractor a series of preconstruction services and an at-risk financial
31 obligation to carry out construction under a specified cost agreement.

32 (l) "Construction manager or general contractor" means any
33 individual, partnership, joint venture, corporation or other legal entity who
34 is a member of the integrated project team with the board, design
35 professional and other consultants that may be required for the project,
36 who utilizes skill and knowledge of general contracting to perform
37 preconstruction services and competitively procures and contracts with
38 specialty contractors assuming the responsibility and the risk for
39 construction delivery within a specified cost and schedule terms including
40 a guaranteed maximum price.

41 (m) "Design-builder" means any individual, partnership, joint
42 venture, corporation or other legal entity that furnishes the architectural or
43 engineering services and construction services, whether by itself or

1 through subcontracts.

2 (n) "Design criteria consultant" means a person, corporation,
3 partnership or other legal entity duly registered and authorized to practice
4 architecture or professional engineering in this state pursuant to K.S.A. 74-
5 7003, and amendments thereto, and who is employed by contract with the
6 board to provide professional design and administrative services in
7 connection with the preparation of the design criteria package.

8 (o) "Design criteria package" means performance-oriented
9 specifications for the public construction project sufficient to permit a
10 design-builder to prepare a response to the board's request for proposals
11 for a building design-build project.

12 (p) "Engineering services" means those services described by
13 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
14 *7003, and amendments thereto.*

15 (q) "Firm" means any individual, partnership, joint venture,
16 corporation or other legal entity which is engaged in the business of
17 providing construction management or general construction contracting
18 services.

19 (r) "Guaranteed maximum price" means the cost of the work as
20 defined in the contract.

21 (s) "Parking lot" means a designated area or parking structure for
22 parking motor vehicles. A parking lot included as part of a building
23 construction project shall be subject to the provisions of this act. A parking
24 lot designed and constructed as a stand-alone project shall not be subject to
25 the provisions of this act.

26 (t) "Preconstruction services" means a series of services that can
27 include, but are not necessarily limited to: Design review, scheduling, cost
28 control, value engineering, constructability evaluation and preparation and
29 coordination of bid packages.

30 (u) "Project services" means architectural, engineering services, land
31 surveying, construction management at-risk services, ancillary technical
32 services or other construction-related services determined by the board to
33 be required by the project.

34 (v) "Public construction project" means the process of designing,
35 constructing, reconstructing, altering or renovating a public building or
36 other structure. Public construction project does not include the process of
37 designing, constructing, altering or repairing a public highway, road,
38 bridge, dam, turnpike or related structure.

39 (w) "Stipend" means an amount paid to the unsuccessful and
40 responsive firms to defray the cost of submission of phase II of the
41 building design-build proposal.

42 Sec. 2. K.S.A. 2012 Supp. 19-1401a is hereby amended to read as
43 follows: 19-1401a. (a) The board of county commissioners of each county

1 may appoint a land surveyor, whose official title shall be county surveyor.
2 The county surveyor may appoint deputy county surveyors, and each
3 deputy may perform the duties devolved upon the county surveyor by law.
4 The county surveyor shall be a land surveyor, licensed pursuant to article
5 70 of chapter 74 of the Kansas Statutes Annotated, and amendments
6 thereto. The county surveyor may be a full-time or part-time county
7 employee, or a contract employee, as determined appropriate by the board
8 of county commissioners. A land surveyor may be a county surveyor in
9 more than one county.

10 (b) For purposes of this section and article 14 of chapter 19 of the
11 Kansas Statutes Annotated, and amendments thereto, the term "land
12 surveyor" shall have the same meaning ascribed thereto as the term
13 "*professional surveyor*," as defined in K.S.A. 74-7003, and amendments
14 thereto.

15 Sec. 3. K.S.A. 2012 Supp. 72-6760d is hereby amended to read as
16 follows: 72-6760d. As used in the Kansas unified school district alternative
17 project delivery construction procurement act, unless the context expressly
18 provides otherwise:

19 (a) "Act" means the Kansas unified school district alternative project
20 delivery building construction procurement act.

21 (b) "Board" means board of education of every unified school district
22 in Kansas, as defined in K.S.A. 72-8201, and amendments thereto, with
23 the authority to award public contracts for building design and
24 construction.

25 (c) "Alternative project delivery" means an integrated comprehensive
26 building design and construction process, including all procedures, actions,
27 sequences of events, contractual relations, obligations, interrelations and
28 various forms of agreement all aimed at the successful completion of the
29 design and construction of buildings and other structures whereby a
30 construction manager or general contractor is selected based on a
31 qualifications and best value approach.

32 (d) "Ancillary technical services" include, but shall not be limited to,
33 geology services and other soil or subsurface investigation and testing
34 services, surveying, adjusting and balancing air conditioning, ventilating,
35 heating and other mechanical building systems and testing and consultant
36 services that are determined by the board to be required for the project.

37 (e) "Architectural services" means those services described by
38 ~~subsection (e) of~~ as the "*practice of architecture*," as defined in K.S.A. 74-
39 7003, and amendments thereto.

40 (f) "Best value selection" means a selection based upon project cost,
41 qualifications and other factors.

42 (g) "Building construction" means furnishing labor, equipment,
43 material or supplies used or consumed for the design, construction,

1 alteration, renovation, repair or maintenance of a building or structure.
2 Building construction does not include highways, roads, bridges, dams,
3 turnpikes or related structures or stand-alone parking lots.

4 (h) "Construction services" means the process of planning, acquiring,
5 building, equipping, altering, repairing, improving or demolishing any
6 structure or appurtenance thereto, including facilities, utilities or other
7 improvements to any real property, excluding stand-alone parking lots.

8 (i) "Construction management at-risk services" means the services
9 provided by a firm which has entered into a contract with the board to be
10 the construction manager or general contractor for the value and schedule
11 of the contract for a project, which is to hold the trade contracts and
12 execute the work for a project in a manner similar to a general contractor,
13 and which is required to solicit competitive bids for the trade packages
14 developed for the project and to enter into the trade contracts for a project
15 with the lowest responsible bidder therefor. Construction management at-
16 risk services may include, but are not limited to, scheduling, value
17 analysis, system analysis, constructability reviews, progress document
18 reviews, subcontractor involvement and prequalification, subcontractor
19 bonding policy, budgeting and price guarantees and construction
20 coordination.

21 (j) "Construction management at-risk contract" means the contract
22 whereby the board acquires from a construction manager or general
23 contractor a series of preconstruction services and an at-risk financial
24 obligation to carry out construction under a specified cost agreement.

25 (k) "Construction manager or general contractor" means any
26 individual, partnership, joint venture, corporation, or other legal entity who
27 is a member of the integrated project team with the board, design
28 professional and other consultants that may be required for the project,
29 who utilizes skill and knowledge of general contracting to perform
30 preconstruction services and competitively procures and contracts with
31 specialty contractors assuming the responsibility and the risk for
32 construction delivery within a specified cost and schedule terms including
33 a guaranteed maximum price.

34 (l) "Cost plus guaranteed maximum price contract" means a cost-
35 plus-a-fee contract with a guaranteed maximum price. This includes the
36 sum of the construction manager's fee, the construction manager's
37 contingency, the construction manager's general conditions, all the
38 subcontracts, plus an estimate for unbid subcontracts. The construction
39 manager agrees to pay for costs that exceed the guaranteed maximum price
40 and are not a result of changes in the contract documents.

41 (m) "Engineering services" means those services described by
42 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
43 *7003, and amendments thereto.*

1 (n) "Firm" means any individual, partnership, joint venture,
2 corporation or other legal entity which is engaged in the business of
3 providing construction management or general construction contracting
4 services.

5 (o) "Guaranteed maximum price" means the cost of the work as
6 defined in the contract.

7 (p) "Selection recommendation committee" means school board or a
8 committee appointed by the school board.

9 (q) "Parking lot" means a designated area constructed on the ground
10 surface for parking motor vehicles. A parking lot included as part of a
11 building construction project shall be subject to the provisions of this act.
12 A parking lot designed and constructed as a stand-alone project shall not
13 be subject to the provisions of this act.

14 (r) "Preconstruction services" means a series of services that can
15 include, but are not necessarily limited to: Design review, scheduling, cost
16 control, value engineering, constructability evaluation and preparation and
17 coordination of bid packages.

18 (s) "Project services" means architectural, engineering services, land
19 surveying, construction management at-risk services, ancillary technical
20 services or other construction-related services determined by the board to
21 be required by the project.

22 (t) "Public construction project" means the process of designing,
23 constructing, reconstructing, altering or renovating a unified school district
24 building or other structure. Public construction project does not include the
25 process of designing, constructing, altering or repairing a public highway,
26 road, bridge, dam, turnpike or related structure.

27 Sec. 4. K.S.A. 74-7001 is hereby amended to read as follows: 74-
28 7001. (a) Except as otherwise provided in ~~this act~~ K.S.A. 74-7001 *et seq.*,
29 *and amendments thereto*, it shall be unlawful for any person to practice or
30 to offer to practice in the state of Kansas, any profession included within
31 the term technical professions, as such term is defined in ~~the provisions of~~
32 ~~this act~~ K.S.A. 74-7003, *and amendments thereto*, unless such person has
33 been duly licensed to practice such profession under ~~this act~~ K.S.A. 74-
34 7001 *et seq.*, *and amendments thereto*, or holds a certificate of
35 authorization issued under K.S.A. 74-7036, *and amendments thereto*.

36 (b) Any person practicing any technical profession in this state, or
37 calling or representing such person as a licensed practitioner of such
38 technical profession, or using the title of a licensed practitioner of such
39 technical profession shall be required to submit evidence that such person
40 is ~~qualified to practice such technical profession and is~~ duly licensed under
41 ~~this act~~ K.S.A. 74-7001 *et seq.*, *and amendments thereto*, or holds a
42 certificate of authorization issued under K.S.A. 74-7036, *and amendments*
43 *thereto*.

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

4 ~~(a) "Technical professions" includes the professions of engineering,~~
5 ~~land surveying, architecture, landscape architecture and geology as the~~
6 ~~practice of such professions are defined in K.S.A. 74-7001 et seq., and~~
7 ~~amendments thereto. "Agricultural building" means any structure~~
8 ~~designed and constructed to house hay, grain, poultry, livestock or other~~
9 ~~horticultural products, or for farm storage of farming implements. Such~~
10 ~~structure shall not be a place for human habitation or a place of~~
11 ~~employment where agricultural products are processed, treated or~~
12 ~~packaged, nor shall it be a building or structure for use by the public.~~

13 (b) "Architect" means a person who is qualified to engage in the
14 practice of architecture and who is licensed by the board to practice
15 architecture as provided in K.S.A. 74-7001 et seq., and amendments
16 thereto.

17 (c) (1) "Architecture" or "practice of architecture" means providing,
18 offering to provide or holding oneself out as able to provide professional
19 architectural services or performing creative work which requires
20 architectural education, training and experience as may be required in
21 connection with the design and construction, restoration, enlargement or
22 alteration of non-exempt public or private buildings intended for human
23 habitation, occupancy or use, and the spaces within and the site
24 surrounding such buildings.

25 (2) Professional architectural services include the following:
26 Common technical services, as defined in subsection (g); pre-design and
27 schematic design; programming; planning; preparing or providing
28 designs, drawings, specifications and other technical submissions; the
29 design of items relating to building code requirements, as such items
30 pertain to architecture; and the preparation of any architectural design
31 features that are required on legal documents and those other professional
32 architectural services as may be necessary for the rendering of services
33 which have the purpose of protecting the health, safety, property and
34 welfare of the public.

35 (3) The term "architecture" or "practice of architecture" shall not
36 include those services specifically identified in the definition of "landscape
37 architecture," "professional engineering," "professional geology" and
38 "professional surveying" except for those services which are included in
39 the term "common technical services," as defined in subsection (g).

40 ~~(b)~~ (d) "Board" means the state board of technical professions.

41 (e) "Building" means any permanent structure which is enclosed or
42 partially enclosed that provides shelter for human habitation.

43 (f) "Business entity" means a general corporation, professional

1 corporation, limited liability company, limited liability partnership,
2 corporate partnership or other legal entity created by law.

3 (g) "Common technical services" means those services which may be
4 offered or performed by any licensee, are performed within the licensee's
5 defined scope of practice and are further described as follows:

6 (1) Representation of clients in connection with contracts entered into
7 between clients and others;

8 (2) coordination of elements of technical submissions prepared by the
9 licensee's consultants;

10 (3) administration of contracts for construction;

11 (4) observation of construction for general conformance with
12 requirements of approved construction documents or technical
13 submissions prepared by a licensee;

14 (5) performing acts of consultation and technical investigation;

15 (6) providing expert technical testimony or testimony evaluation;

16 (7) performing technical evaluations and research;

17 (8) teaching in a college or university offering an accredited
18 technical professional curriculum recognized by the board; and

19 (9) providing responsible supervision of these services, insofar as
20 such services involve safeguarding the health, safety, property and welfare
21 of the public.

22 (h) "Construction administration" means the provision of technical
23 professional services during construction by licensees, or persons under
24 the licensee's responsible supervision, which act to confirm substantial
25 compliance with the requirements and provisions of applicable technical
26 documents prepared by the licensee or under the licensee's responsible
27 supervision. Such technical professional services include, but are not
28 limited to: Assisting with bidding or negotiation processes; reviewing and
29 acting upon shop drawings and other submittals; providing clarification
30 or interpretation of the licensee's technical documents; evaluating general
31 progress of construction; observing or evaluating completed construction;
32 and assisting the client in matters related to the licensee's technical
33 professional expertise. Construction administration services do not
34 include management of, or responsibility for, the contractor's construction
35 activities, means or methods.

36 (i) "Ethical marketing of professional services" means the solicitation
37 or offer by a licensee, either as an individual or on behalf of a business
38 entity or by a business entity, to provide professional services for a
39 potential governmental client, based on the licensee's professional
40 qualifications, technical ability, specialized training and ability to provide
41 the services in a timely manner, with the fee for such services entering into
42 the discussions only after such governmental client has identified the
43 licensee who is most qualified to provide the services required. For the

1 *purpose of this subsection, if an individual who is not a licensee is acting*
2 *on behalf of a business entity, the business entity shall be responsible for*
3 *the actions of the non-licensee.*

4 (j) *"Government client" means any state, county or municipal*
5 *governmental entity including, but not limited to, any department, agency,*
6 *authority, planning district, board, commission, office or institution*
7 *thereof, and any school district, college, university and any individual*
8 *acting under authority to represent any such governmental entity.*

9 (k) *"Landscape architect" means a person who is qualified to engage*
10 *in the practice of landscape architecture and who is licensed by the board*
11 *to practice landscape architecture as provided in K.S.A. 74-7001 et seq.,*
12 *and amendments thereto.*

13 (l) (1) *"Landscape architecture" or "practice of landscape*
14 *architecture" means performing professional landscape architectural*
15 *services including the following: Common technical services, as defined in*
16 *subsection (g); consultation, planning, designing or responsible*
17 *supervision in connection with the development of land areas for*
18 *preservation and enhancement; the development of sustainable designs*
19 *and technology; preparation, review and analysis of master plans for land*
20 *use and development; production of overall site development and land*
21 *enhancement plans, grading and drainage plans, irrigation plans,*
22 *planting plans and construction details; specifications, cost analysis and*
23 *reports for land development; and the designing of land forms and non-*
24 *habitable structures for aesthetic and functional purposes, such as pools,*
25 *walls and structures for outdoor living spaces, for public and private use.*
26 *The practice of landscape architecture also encompasses the*
27 *determination of proper land use as it pertains to: Natural features;*
28 *ground cover; use, nomenclature and arrangement of plant material*
29 *adapted to soils and climate; naturalistic and aesthetic values; settings*
30 *and approaches to structures and other improvements; soil conservation;*
31 *erosion control; and the development of outdoor space in accordance with*
32 *ideals of human use and enjoyment.*

33 (2) *The term "landscape architecture" or "practice of landscape*
34 *architecture" shall not include those services specifically identified in the*
35 *definition of "architecture," "professional engineering," "professional*
36 *geology" and "professional surveying" except for those services which are*
37 *included in the term "common technical services," as defined in*
38 *subsection (g).*

39 (m) *"License" means a license to practice the technical professions*
40 *granted under K.S.A. 74-7001 et seq., and amendments thereto.*

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

42 ~~(1) Rendering services or performing creative work which requires~~
43 ~~architectural education, training and experience, including services and~~

1 work such as consultation, evaluation, planning, providing preliminary
2 studies and designs, overall interior and exterior building design, the
3 preparation of drawings, specifications and related documents, all in
4 connection with the construction or erection of any private or public
5 building, building project or integral part or parts of buildings or of any
6 additions or alterations thereto, or other services and instruments of
7 services related to architecture;

8 (2) representation in connection with contracts entered into between
9 clients and others; and

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

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

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

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

41 (n) "Person" means a natural person or business entity.

42 (o) "Principal" means person who serves in a business entity as an
43 officer, member of a board of directors, member of a limited liability

1 *company or partner.*

2 (h) (p) "Professional engineer" means a person who is qualified to
3 ~~practice engineering by reason of special knowledge and use of the~~
4 ~~mathematical, physical and engineering sciences and the principles and~~
5 ~~methods of engineering analysis and design, acquired by engineering~~
6 ~~education and engineering experience, who is qualified as provided in~~
7 ~~engage in the practice of engineering and who is licensed by the board to~~
8 ~~practice engineering as provided in K.S.A. 74-7001 et seq., and~~
9 ~~amendments thereto, to engage in the practice of engineering and who is~~
10 ~~licensed by the board.~~

11 (i) (o) (1) "Professional engineering" or "practice of engineering"
12 means any service or creative work, the adequate performance of which
13 requires engineering education, training and experience in the application
14 of special knowledge of the mathematical, physical and engineering
15 sciences to such services or creative work as consultation, investigation,
16 evaluation, planning and design of engineering works and systems, the
17 teaching of engineering by a licensed professional engineer in a college or
18 university offering an approved engineering curriculum of four years or
19 more, engineering surveys and studies, the observation of construction for
20 the purpose of assuring compliance with drawings and specifications,
21 representation in connection with contracts entered into between clients
22 and others and the preparation and certification of any engineering design
23 features that are required on plats; any of which embraces such service or
24 work, either public or private, for any utilities, structures, buildings,
25 machines, equipment, processes, work systems, projects and industrial or
26 consumer products or equipment of a mechanical, electrical, hydraulic,
27 pneumatic or thermal nature, insofar as they involve safeguarding life,
28 health or property. As used in this subsection, "engineering surveys"
29 includes all survey activities required to support the sound conception,
30 planning, design, construction, maintenance and operation of engineered
31 projects, but excludes the surveying of real property for the establishment
32 of land boundaries, rights-of-way, easements and the dependent or
33 independent surveys or resurveys of the public land survey system.
34 *providing, offering to provide, or holding oneself out as able to provide*
35 *professional engineering services including the following: Common*
36 *technical services, as defined in subsection (g); consulting, investigating,*
37 *evaluating, planning and designing of engineering works and systems;*
38 *producing engineering surveys and studies; and preparing any*
39 *engineering design features which embrace such service or work, either*
40 *public or private, for any utilities, structures, buildings, machines,*
41 *equipment, processes, work systems, projects and industrial or consumer*
42 *products or equipment of a mechanical, electrical, hydraulic, pneumatic*
43 *or thermal nature, insofar as they involve safeguarding the health, safety,*

1 *property or welfare of the public.*

2 (2) *As used in this subsection, the term "engineering surveys"*
3 *includes all survey activities required to support the sound conception,*
4 *planning, design, construction, maintenance and operation of engineered*
5 *projects, but excludes the surveying of real property for the establishment*
6 *of land boundaries, rights-of-way, easements and the dependent or*
7 *independent surveys or resurveys of the public land survey system.*

8 (3) *The term "professional engineering" or "practice of professional*
9 *engineering" shall not include those services specifically identified in the*
10 *definition of "architecture," "landscape architecture," "professional*
11 *geology" and "professional surveying" except for those services which are*
12 *included in the term "common technical services," as defined in*
13 *subsection (g).*

14 (p) *"Professional geologist" means a person who is qualified to*
15 *engage in the practice of geology and who is licensed by the board to*
16 *practice geology as provided in K.S.A. 74-7001 et seq., and amendments*
17 *thereto.*

18 (q) (1) *"Professional geology" or "practice of professional geology"*
19 *means the performing of professional geology services including the*
20 *following: Common technical services, as defined in subsection (g);*
21 *planning or mapping, providing observation, or the responsible*
22 *supervision thereof, in connection with the treatment of the earth and its*
23 *origin and history, in general; the investigation of the earth's constituent*
24 *rocks, minerals, solids, fluids, including surface and underground waters,*
25 *gases and other materials; and the study of the natural agents, forces and*
26 *processes which cause changes in the earth.*

27 (2) *The term "professional geology" or "practice of professional*
28 *geology" shall not include those services specifically identified in the*
29 *definition of "architecture," "landscape architecture," "professional*
30 *engineering" and "professional surveying" except for those services which*
31 *are included in the term "common technical services," as defined in*
32 *subsection (g).*

33 (†) (r) ~~Land~~ *Professional surveyor" means any person who is*
34 *engaged in the practice of land surveying and who is licensed by the board*
35 *to practice surveying as provided in K.S.A. 74-7001 et seq., and*
36 *amendments thereto, and who is licensed by the board.*

37 (†) (s) (1) *"Professional surveying" or "practice of land professional*
38 *surveying" includes:*

39 ~~(1) The performance of any professional service, the adequate~~
40 ~~performance of which involves the application of special knowledge and~~
41 ~~experience in the principles of mathematics, the related physical and~~
42 ~~applied sciences, the relevant requirements of law and the methods of~~
43 ~~surveying measurements in measuring and locating of lines, angles,~~

1 elevation of natural and man-made features in the air, on the surface of the
2 earth, within underground workings and on the bed of bodies of water for
3 the purpose of determining areas, volumes and monumentation of property
4 boundaries;

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

9 ~~(3) the preparation of the original descriptions of real property for the~~
10 ~~conveyance of or recording thereof and the preparation of maps, plats and~~
11 ~~field note records that represent these surveys;~~

12 ~~(4) the reestablishing of missing government section corners in~~
13 ~~accordance with government surveys;~~

14 ~~(5) the teaching of land surveying by a licensed land surveyor in a~~
15 ~~college or university offering an approved land surveying curriculum of~~
16 ~~four years or more; and~~

17 ~~(6) the locating or laying out of alignments, positions or elevations~~
18 ~~where such work is part of the construction of engineering or architectural~~
19 ~~works: means providing, or offering to provide, professional surveying~~
20 ~~services including the following: Common technical services, as defined in~~
21 ~~subsection (g); using such sciences as mathematics, geodesy and~~
22 ~~photogrammetry; and involving the making of geometric measurements~~
23 ~~and gathering related information pertaining to the physical or legal~~
24 ~~features of the earth, improvements on the earth, the space above, on or~~
25 ~~below the earth and providing, utilizing or developing the same into~~
26 ~~survey products such as graphics, data, maps, plans, reports, descriptions~~
27 ~~or projects. Professional surveying services also include planning,~~
28 ~~mapping, assembling and interpreting gathered measurements and~~
29 ~~information related to any one or more of the following:~~

30 ~~(A) Determining by measurement the configuration or contour of the~~
31 ~~earth's surface or the position of fixed objects thereon;~~

32 ~~(B) determining by performing geodetic surveys the size and shape of~~
33 ~~the earth or the position of any point on the earth;~~

34 ~~(C) locating, relocating, establishing, re-establishing or retracing~~
35 ~~property lines or boundaries of any tract of land, road, right-of-way or~~
36 ~~easement;~~

37 ~~(D) preparing the original descriptions of real property for the~~
38 ~~conveyance of or recording thereof and the preparation of graphics, data,~~
39 ~~maps, plans, reports, land subdivision plats, descriptions and projects that~~
40 ~~represent these surveys;~~

41 ~~(E) determining, by the use of principles of surveying, the position for~~
42 ~~any survey monument, whether boundary or non-boundary, or reference~~
43 ~~point and establishing or replacing any such monument or reference point;~~

1 (F) making any survey for the division, subdivision or consolidation
2 of any tract of land;

3 (G) locating or laying out alignments, positions or elevations where
4 such work is part of the construction of engineering or architectural
5 works; and

6 (H) creating, preparing or modifying electronic, computerized or
7 other data relative to performance of the activities set forth in
8 subparagraphs (A) through (G).

9 (2) The term "professional surveying" or "practice of professional
10 surveying" shall not include those services specifically identified in the
11 definition of "architecture," "landscape architecture," "professional
12 engineering" and "professional geology" except for those services which
13 are included in the term "common technical services," as defined in
14 subsection (g).

15 (l) "Person" means a natural person or business entity.

16 (m) "Plat" means a diagram drawn to scale showing all essential data
17 pertaining to the boundaries and subdivisions of a tract of land, as
18 determined by survey or protraction. A plat should show all data required
19 for a complete and accurate description of the land which it delineates,
20 including the bearings (or azimuths) and lengths of the boundaries of each
21 subdivision.

22 (n) "Geologist" means a person who is qualified to engage in the
23 practice of geology by reason of knowledge of geology, mathematics and
24 the supporting physical and life sciences, acquired by education and
25 practical experience, who is qualified as provided in K.S.A. 74-7001 et
26 seq., and amendments thereto, to engage in the practice of geology and
27 who is licensed by the board.

28 (o) "Practice of geology" means:

29 (1) The performing of professional services such as consultation,
30 investigation, evaluation, planning or mapping, or inspection, or the
31 responsible supervision thereof, in connection with the treatment of the
32 earth and its origin and history, in general; the investigation of the earth's
33 constituent rocks, minerals, solids, fluids including surface and
34 underground waters, gases and other materials; and the study of the natural
35 agents, forces and processes which cause changes in the earth;

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

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

1 ~~(p) "Business entity" means a general corporation, professional~~
2 ~~corporation, limited liability company, limited liability partnership,~~
3 ~~corporate partnership or other legal entity created by law.~~

4 ~~(q) "Principal" means a person who serves in a business entity as an~~
5 ~~officer, member of a board of directors, member of a limited liability~~
6 ~~company or partner.~~

7 *(t) "Responsible charge" means the application of personal*
8 *supervision and professional judgment, and the incorporation of detailed*
9 *knowledge with respect to the content of a technical submission by a*
10 *licensee when applying the normal standard of care for the work that such*
11 *licensee is licensed to perform.*

12 *(u) "Standard of care" means the duty to exercise the degree of*
13 *learning and skill ordinarily possessed by a reputable licensee practicing*
14 *in Kansas in the same or similar locality and under similar circumstances.*

15 *(v) "Technical professions" includes the professions of architecture,*
16 *landscape architecture, professional engineering, professional geology*
17 *and professional surveying as the practice of such professions are defined*
18 *in K.S.A. 74-7001 et seq., and amendments thereto.*

19 Sec. 6. K.S.A. 74-7004 is hereby amended to read as follows: 74-
20 7004. For the purpose of administering the provisions of this act and in
21 order to establish and maintain a high standard of integrity, skills and
22 practice in the technical professions and to safeguard the life, health,
23 *safety*, property and welfare of the public, the governor shall appoint a
24 state board of technical professions consisting of 13 members. At least 30
25 days prior to the expiration of any term other than that of ~~the~~ a member
26 appointed from the general public, professional societies and associations
27 which are respectively representative of each branch of the technical
28 professions may submit to the governor a list of three or more names of
29 persons of recognized ability who have the qualifications prescribed for
30 board members for appointment from that branch of the technical
31 professions. The governor shall consider the list of persons in making the
32 appointment to the board. In case of a vacancy in the membership of the
33 board, other than that of ~~the~~ a member appointed from the general public,
34 for any reason other than the expiration of a term of office, the governor
35 shall appoint a qualified successor to fill the unexpired term. In making the
36 appointment the governor shall give consideration to the list of persons last
37 submitted.

38 Sec. 7. K.S.A. 74-7005 is hereby amended to read as follows: 74-
39 7005. (a) Membership of the board shall be as follows:

40 (1) Four members shall have been engaged in the practice of
41 engineering for at least eight years, *which practice shall include*
42 *responsible charge of engineering work*, and shall be Kansas licensed
43 *professional engineers*. At least one of such members shall be engaged in

1 private practice as an engineer. At least one of such members ~~shall~~ *may*
 2 also be licensed as a ~~land~~ *Kansas professional* surveyor, as well as a
 3 *Kansas licensed professional* engineer.

4 (2) Two members shall have been engaged in the practice of ~~land~~
 5 surveying for at least eight years, *which practice shall include responsible*
 6 *charge of surveying work*, and shall be *Kansas licensed land professional*
 7 surveyors.

8 (3) Three members shall *have been engaged in the practice of*
 9 *architecture for at least eight years, which practice shall include*
 10 *responsible charge of architectural work*, and shall be *Kansas licensed*
 11 *architects of recognized standing and shall have been engaged in the*
 12 *practice of the profession of architecture for at least eight years, which*
 13 *practice shall include responsible charge of architectural work as principal.*

14 (4) One member shall *have been engaged in the practice of*
 15 *landscape architecture for at least eight years, which practice shall*
 16 *include responsible charge of landscape architectural work*, and shall be a
 17 *Kansas licensed landscape architect and shall have been engaged in the*
 18 *practice of landscape architecture for at least eight years, which practice*
 19 *shall include responsible charge of landscape architectural work as*
 20 *principal.*

21 (5) One member shall ~~be engaged in the practice of geology, shall~~
 22 *have been engaged in the practice of geology for at least eight years and,*
 23 *on and after July 1, 2000, which practice shall include responsible charge*
 24 *of geology work*, and shall be a *Kansas licensed professional* geologist.

25 (6) Two members shall be from the general public of this state.

26 (b) Each member of the board shall be a citizen of the United States
 27 and a resident of this state.

28 (c) ~~The~~ *Any* amendments to this section shall not be applicable to any
 29 member of the board who was appointed to the board and qualified for
 30 such appointment under this section prior to the effective date of ~~this act~~
 31 *such enactment.*

32 Sec. 8. K.S.A. 74-7007 is hereby amended to read as follows: 74-
 33 7007. The board shall organize annually at its first meeting subsequent to
 34 July 1, and shall select a chairperson, vice-chairperson, and secretary from
 35 its own membership. The secretary shall be the custodian of the common
 36 seal, the books and records of the board, and shall ~~keep minutes~~ *be*
 37 *responsible for the recordation, publication and archiving* of all board
 38 proceedings. The chairperson and secretary shall have the power to
 39 administer oaths pertaining to the business of the board. The board shall
 40 have a common seal and shall formulate rules to govern its actions. Each
 41 member of the board shall take and subscribe the oaths prescribed by law
 42 for state officers. The oaths provided for herein shall be filed in the office
 43 of the secretary of state. The board shall hold an annual meeting and such

1 additional meetings as the board may designate. Seven members of the
2 board shall constitute a quorum for the transaction of business.

3 Sec. 9. K.S.A. 2012 Supp. 74-7009 is hereby amended to read as
4 follows: 74-7009. (a) The following nonrefundable fees shall be collected
5 by the board:

6 (1) For an original license, issued upon the basis of an examination
7 given by the board, an application fee in the sum of not more than \$200
8 plus an amount, ~~to be determined by the board,~~ equal to the cost of any
9 examination ~~required~~ *directly administered* by the board ~~in each~~ *for any*
10 branch of the technical professions;

11 (2) for a license by reciprocity under K.S.A. 74-7024, and
12 amendments thereto, an application fee of not more than \$500;

13 (3) for a certificate of authorization for a business entity, the sum of
14 not more than \$300;

15 (4) for the biennial renewal of ~~a~~ *an active* license, the sum of not
16 more than \$200;

17 (5) for the biennial renewal of a certificate of authorization for a
18 business entity, the sum of not more than \$300; ~~and~~

19 ~~(6) for the renewal of a certificate of authorization pursuant to~~
20 ~~subsection (e) of K.S.A. 74-7036, and amendments thereto, ½ of the~~
21 ~~renewal fee required by paragraph (5) of this subsection for the untimely~~
22 ~~renewal of a license or certificate of authorization pursuant to K.S.A. 74-~~
23 ~~7025, and amendments thereto, a late fee of not more than \$200; and~~

24 ~~(7) for the return of an inactive license to active practice, or for the~~
25 ~~reinstatement of a cancelled license, the sum of not more than \$200.~~

26 (b) On or before November 15; ~~of~~ each year, the board shall
27 determine the amount necessary to administer the provisions of K.S.A. 74-
28 7001 et seq., and amendments thereto, for the ensuing calendar year and
29 shall fix the fees for such year at the sum deemed necessary for such
30 purposes.

31 (c) The board shall remit all moneys received by or for it from fees,
32 charges or penalties to the state treasurer in accordance with the provisions
33 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
34 remittance, the state treasurer shall deposit the entire amount in the state
35 treasury. Ten percent of each such deposit shall be credited to the state
36 general fund and the balance shall be credited to the technical professions
37 fee fund, which fund is hereby created. All expenditures from such fund
38 shall be made in accordance with appropriation acts upon warrants of the
39 director of accounts and reports issued pursuant to vouchers approved by
40 the chairperson of the board or by a person or persons designated by the
41 chairperson.

42 Sec. 10. K.S.A. 74-7010 is hereby amended to read as follows: 74-
43 7010. A roster showing the names and places of business of all persons

1 licensed under ~~this act~~ *K.S.A. 74-7001 et seq., and amendments thereto*, or
2 issued a certificate of authorization under *K.S.A. 74-7036*, and
3 amendments thereto, shall be maintained by the executive director. The
4 roster shall also specify the branch of the technical professions in which
5 each such person is licensed or authorized to practice. Copies of the roster
6 ~~may be placed, at the discretion of the board, on file with the secretary of~~
7 ~~state and with the clerk of each county in this state and shall be furnished~~
8 ~~to such other persons as determined by the board. Copies shall be~~
9 ~~furnished to members of the public upon request. The board may charge~~
10 ~~and collect a fee for copies furnished to members of the public in an~~
11 ~~amount to be fixed by the board and approved by the director of accounts~~
12 ~~and reports under *K.S.A. 45-219*, and amendments thereto, in order to~~
13 ~~recover the actual costs incurred. All fees collected under this section shall~~
14 ~~be remitted to the state treasurer in accordance with the provisions of~~
15 ~~*K.S.A. 75-4215*, and amendments thereto. Upon receipt of each such~~
16 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
17 ~~treasury to the credit of the technical professions fee fund *shall be*~~
18 ~~*provided in accordance with the Kansas open records act, K.S.A. 45-215*~~
19 ~~*et seq., and amendments thereto.*~~

20 Sec. 11. *K.S.A. 2012 Supp. 74-7013* is hereby amended to read as
21 follows: *74-7013. (a) The board may adopt all rules and regulations,*
22 *including rules of professional conduct, which are necessary for*
23 *performance of its powers, duties and functions in the administration of*
24 *the provisions of *K.S.A. 74-7001 et seq., and amendments thereto.**

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

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

30 (d) *The board may adopt rules and regulations concerning cancelled,*
31 *inactive and emeritus licensure status.*

32 (e) *The board shall adopt rules and regulations prescribing minimum*
33 *standards for boundary surveys, mortgage title inspection, American land*
34 *title association surveys and such other surveys as necessary to control the*
35 *quality of surveying in the state of Kansas.*

36 Sec. 12. *K.S.A. 74-7016* is hereby amended to read as follows: *74-*
37 *7016. (a) The board shall keep a record of its proceedings, and a register of*
38 *all applications for license, which register shall show:*

- 39 (1) The name and residence of each applicant;
- 40 (2) the date of the application;
- 41 (3) the place of business of such applicant;
- 42 (4) the applicant's educational and other qualifications;
- 43 (5) whether or not an examination was required;

- 1 (6) the action of the board upon the application;
- 2 (7) the date of the action of the board; and
- 3 (8) such other information as may be deemed necessary by the board.

4 (b) The records of the board shall be prima facie evidence of the
5 proceedings of the board set forth therein, and a transcript thereof, duly
6 certified by the secretary of the board under seal, shall be admissible in
7 evidence with the same force and effect as if the original were produced.

8 Sec. 13. K.S.A. 74-7019 is hereby amended to read as follows: 74-
9 7019. Minimum qualifications of applicants seeking licensure as architects
10 are the following:

11 (a) Graduation from a college or university program that is adequate
12 in its preparation of students for the practice of architecture, *as determined*
13 *by the board in accordance with applicable rules and regulations;* ~~and~~

14 (b) proof of architectural experience of a character satisfactory to the
15 board, as defined by rules and regulations of the board; and

16 (c) the satisfactory passage of an examination utilized by the board.

17 Sec. 14. K.S.A. 2012 Supp. 74-7021 is hereby amended to read as
18 follows: 74-7021. (a) Minimum qualifications of applicants seeking
19 licensure as professional engineers are the following:

20 (1) Graduation from a college or university program that is adequate
21 in its preparation of students for the practice of engineering, *as determined*
22 *by the board in accordance with applicable rules and regulations;* ~~and~~

23 (2) the satisfactory passage of ~~such written~~ *an* examination in the
24 fundamentals of engineering as utilized by the board; ~~and~~

25 (3) proof of four years of engineering experience of a character
26 satisfactory to the board, as defined by rules and regulations of the board;
27 and

28 (4) the satisfactory passage of ~~such~~ *an* examination in professional
29 practice as utilized by the board.

30 (b) The board may issue an intern engineer certificate to a person who
31 meets the education and examination qualifications prescribed by the
32 board.

33 Sec. 15. K.S.A. 2012 Supp. 74-7022 is hereby amended to read as
34 follows: 74-7022. (a) Minimum qualifications of applicants seeking
35 licensure as ~~land~~ *professional* surveyors are the following:

36 (1) Proof of ~~land~~ surveying experience and education in accordance
37 with rules and regulations of the board; and

38 (2) the satisfactory passage of examinations utilized by the board.

39 (b) The board may issue an intern ~~land~~ surveyor certificate to a
40 person who meets the education, experience and examination
41 qualifications prescribed by the board.

42 New Sec. 16. (a) Minimum qualifications of applicants seeking
43 licensure as professional geologists are the following:

1 (1) Graduation from a course of study in geology, or from a program
2 which is of four or more years' duration and which includes at least 30
3 semester or 45 quarter hours of credit with a major in geology or a geology
4 specialty, that is adequate in its preparation of students for the practice of
5 geology;

6 (2) proof of at least four years of experience in geology of a character
7 satisfactory to the board, as defined by rules and regulations of the board;
8 and

9 (3) the satisfactory passage of such examinations in the fundamentals
10 of geology and in geologic practice as utilized by the board.

11 (b) The board may issue an intern geologist certificate to a person
12 who meets the education and examination qualifications prescribed by the
13 board.

14 Sec. 17. K.S.A. 2012 Supp. 74-7023 is hereby amended to read as
15 follows: 74-7023. (a) All examinations required by K.S.A. 74-7001 et seq.,
16 and amendments thereto, shall be held at such time and place as the board
17 determines. The scope of the examinations, methods of procedure and
18 eligibility to take examinations, including reexaminations, shall be
19 prescribed by the board.

20 (b) The board, after receiving satisfactory evidence of the
21 qualifications of an applicant and after satisfactory examination of the
22 applicant, shall issue a license authorizing the applicant to practice the
23 technical profession for which the applicant is qualified and to use the title
24 appropriate to such technical profession.

25 (c) Each license shall show the full name of the licensee, shall have a
26 serial number and shall be signed by the chairperson and the secretary of
27 the board under seal of the board. The issuance of a license by the board
28 shall be prima facie evidence that the person named on the license is
29 legally licensed and is entitled to all the rights and privileges of a licensed
30 practitioner of the technical profession for which the licensee is licensed
31 while the license remains unrevoked and unexpired.

32 (d) Each licensee shall ~~purchase~~ *obtain* a seal of a distinctive design
33 authorized by the board, bearing the licensee's name and number and a
34 uniform inscription formulated by the board. Documents, ~~reports, legal~~
35 ~~descriptions, records and papers~~ signed by the licensee in the licensee's
36 professional capacity shall be stamped with the seal during the duration of
37 the license, but it shall be unlawful for anyone to stamp any document
38 with the seal after the license has expired or has been revoked, unless the
39 license has been renewed or reissued. No person shall tamper with or
40 revise the seal without express written approval by the board.

41 ~~(e) Any person licensed hereunder may stamp any documents~~
42 ~~submitted to such licensee by any practitioner of a technical profession~~
43 ~~licensed in another state upon assuming full responsibility for furnishing~~

1 complete and adequate observation of the work covered by the documents
2 to which the licensee has affixed the seal.

3 Sec. 18. K.S.A. 74-7024 is hereby amended to read as follows: 74-
4 7024. Any person who holds a current license ~~or certificate of qualification~~
5 ~~or registration~~ to practice any branch of the technical professions issued by
6 the proper authority in any other state or political subdivision of the United
7 States ~~or in any other country~~ may be exempted from examination for
8 licensure in this state if the requirements under which such license ~~or~~
9 ~~certificate~~ was issued are of a standard accepted by the board and if the
10 person's record fully meets the requirements of this state in all respects
11 other than examination. *Upon determination that the person meets the*
12 *requirements of this section and all other requirements for licensure under*
13 *K.S.A. 74-7001 et seq., and amendments thereto, the board may issue,*
14 *upon application therefor and receipt of payment of the application fee*
15 *prescribed under K.S.A. 74-7009, and amendments thereto, a license to*
16 *practice the appropriate technical profession if the proper authority of the*
17 *state, political subdivision or country from which the applicant holds a*
18 *license or certificate agrees to accept on an equal basis persons who hold*
19 *licenses issued by the authority of this state.*

20 Sec. 19. K.S.A. 2012 Supp. 74-7025 is hereby amended to read as
21 follows: 74-7025. (a) At least 30 days prior to the date of expiration of a
22 license or certificate of authorization, the executive director shall notify
23 every person licensed under K.S.A. 74-7001 et seq., and amendments
24 thereto, or business entity issued a certificate of authorization under
25 K.S.A. 74-7036, and amendments thereto, of the date of the expiration of
26 the license or certificate of authorization and the amount of the fee that is
27 required for its renewal for two years. The licensee shall notify the board
28 in writing of any change of address within 30 days after the date of such
29 change. ~~Renewal may be effected without penalty any time during a period~~
30 ~~of 60 days following the date of the expiration of the license or certificate~~
31 ~~of authorization by the payment of a renewal fee established by the board~~
32 ~~pursuant to the provisions of K.S.A. 74-7009, and amendments thereto~~ *A*
33 *licensee shall not practice any technical profession after the expiration*
34 *date until the license or certificate of authorization has been renewed or*
35 *reinstated. Any license or certificate of authorization not renewed by the*
36 *expiration date may be renewed within 60 days after such expiration date*
37 *by payment of the renewal fee plus a late fee as set forth in K.S.A. 74-*
38 *7009, and amendments thereto. Any license or certificate of authorization*
39 *not renewed within 60 days after the expiration date shall be cancelled.*

40 (b) As a condition for obtaining license renewal, the board may
41 require proof of compliance with continuing education requirements
42 established by rules and regulations.

43 (c) ~~The failure on the part of any licensee or holder of a certificate of~~

1 authorization to effect renewal or reinstatement of a license or certificate
2 of authorization as required above shall result in the cancellation of the
3 license or certificate of authorization by the board.

4 (d) Any person whose license or certificate of authorization has been
5 cancelled pursuant to subsection (e) (a) may have the license or certificate
6 of authorization reinstated by the board for good cause shown and upon
7 payment of a penalty determined by the board in an amount of not more
8 than \$100 by filing an application for such license or certificate of
9 authorization and such other documents as required by the board, and
10 payment of the reinstatement fee as set forth in K.S.A. 74-7009, and
11 amendments thereto.

12 (d) Any licensee who voluntarily decides to no longer practice a
13 technical profession shall have such licensee's status changed from active
14 to inactive, provided, such licensee meets the requirements for use of the
15 inactive licensure status established in the rules and regulations adopted
16 by the board. A person whose license is inactive may return to active
17 practice of a technical profession by applying for a return to active
18 practice, paying the appropriate fee as set forth in K.S.A. 74-7009, and
19 amendments thereto, and complying with all applicable rules and
20 regulations adopted by the board.

21 (e) Any licensee who voluntarily decides to no longer practice a
22 technical profession and who is at least 60 years of age shall have such
23 licensee's status changed from active to emeritus, provided, such licensee
24 meets the requirements for use of the emeritus title established in the rules
25 and regulations adopted by the board.

26 (e) (f) A new license or certificate of authorization, to replace any
27 lost, destroyed or mutilated license, may be issued, subject to rules and
28 regulations of the board, and a charge of \$20 shall be made for such
29 issuance.

30 Sec. 20. K.S.A. 2012 Supp. 74-7026 is hereby amended to read as
31 follows: 74-7026. (a) The board shall have the power to limit, condition,
32 reprimand or otherwise discipline, suspend or revoke the license of any
33 person who has engaged in any of the following conduct:

34 (1) The practice of any fraud or deceit in obtaining a license or
35 certificate of authorization issued under K.S.A. 74-7036, and amendments
36 thereto;

37 (2) any gross negligence, incompetency, misconduct or wanton
38 disregard for the rights of others in the practice of any technical
39 profession;

40 (3) a conviction of a felony as set forth in the criminal statutes of the
41 state of Kansas, of any other state or of the United States;

42 (4) violation of any rules of professional conduct adopted and
43 promulgated by the board or violation of rules and regulations adopted by

1 the board for the purpose of carrying out the provisions of K.S.A. 74-7001
2 et seq., and amendments thereto; or

3 (5) affixing or permitting to be affixed such licensee's seal or name to
4 any documents, ~~reports, records or papers~~ which were not prepared by
5 such licensee or prepared under the ~~direct supervision and control of such~~
6 ~~licensee, except as provided in K.S.A. 74-7023, and amendments thereto~~
7 *responsible charge of such licensee.*

8 (b) The board shall have the power to limit, condition, reprimand or
9 otherwise discipline, suspend or revoke the certificate of authorization of
10 any business entity which has engaged in any conduct which would
11 authorize the board to limit, condition, reprimand or otherwise discipline,
12 suspend or revoke the license of a person under this section.

13 (c) The board, for reasons it may deem sufficient, may reissue a
14 license or certificate of authorization that has been revoked and may
15 remove the suspension of the license or certificate of authorization
16 ~~providing, provided,~~ seven or more members of the board vote in favor of
17 such reissuance or removal of suspension. A new license or certificate of
18 authorization, to replace any revoked or suspended license or certificate of
19 authorization, may be issued, subject to rules and regulations of the board,
20 and a charge of \$100 shall be made for the issuance of such license or
21 \$150 for the issuance of a certificate of authorization.

22 (d) Any action of the board pursuant to this section shall be subject to
23 the provisions of the Kansas administrative procedure act.

24 Sec. 21. K.S.A. 2012 Supp. 74-7029 is hereby amended to read as
25 follows: 74-7029. (a) It shall be a class A misdemeanor for any person to:

26 (1) Practice or offer to practice or hold one's self out as entitled to
27 practice any technical profession unless the person is licensed as provided
28 in K.S.A. 74-7001 et seq., and amendments thereto, or holds a certificate
29 of authorization issued under K.S.A. 74-7036, and amendments thereto;

30 (2) present or attempt to use, as such person's own, the license,
31 certificate of authorization or seal of another;

32 (3) falsely impersonate any other practitioner of like or different
33 name;

34 (4) give false or forged evidence to the board, or any member thereof,
35 in obtaining a license or certificate of authorization;

36 (5) use or attempt to use a license or certificate of authorization that
37 has expired or been suspended or revoked;

38 (6) falsely advertise as a licensed practitioner or as the holder of a
39 certificate of authorization;

40 (7) use in connection with such person's name, or otherwise assume,
41 or advertise any title or description intended to convey the impression that
42 such person is a licensed practitioner or holds a certificate of authorization;
43 or

1 (8) otherwise violate any of the provisions of K.S.A. 74-7001 et seq.,
2 and amendments thereto, or any rule and regulation promulgated by the
3 board.

4 (b) For the purposes of subsection (a)(1), a person shall be construed
5 to practice or offer to practice or hold one's self out as entitled to practice a
6 technical profession if such person:

7 (1) Practices any branch of the technical professions;

8 (2) by verbal claim, sign, advertisement, letterhead, card or in any
9 other way represents the person to be an architect, landscape architect,
10 professional engineer, *professional* geologist or ~~land~~ *professional*
11 surveyor;

12 (3) through the use of some other title implies that such person is an
13 architect, landscape architect, professional engineer, *professional* geologist
14 or ~~land~~ *professional* surveyor, or that such person is licensed to practice a
15 technical profession; or

16 (4) holds one's self out as able to perform, or does perform, any
17 service or work or any other service designated by the practitioner which
18 is recognized as within the scope of the practice of a technical profession.

19 (c) The attorney general of the state or the district or county attorney
20 of any county, at the request of the board, shall render such legal assistance
21 as may be necessary in carrying out the provisions of K.S.A. 74-7001 et
22 seq., and amendments thereto. Upon the request of the board, the attorney
23 general or district or county attorney of the proper county shall institute in
24 the name of the state or board the proper proceedings against any person
25 regarding whom a complaint has been made charging such person with the
26 violation of any of the provisions of K.S.A. 74-7001 et seq., and
27 amendments thereto. The attorney general, and such district or county
28 attorney, at the request of the attorney general or of the board, shall appear
29 and prosecute any and all such actions.

30 Sec. 22. K.S.A. 2012 Supp. 74-7031 is hereby amended to read as
31 follows: 74-7031. 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 architecture shall not be construed to prevent or to affect:

35 (a) The practice of any person engaging in the publication of books or
36 pamphlets illustrating architectural designs.

37 (b) Persons preparing plans, drawings or specifications for ~~one and~~
38 ~~two family dwellings~~ *buildings housing no more than two dwelling units*
39 *in one contiguous structure* or for agricultural buildings.

40 (c) Persons furnishing, individually or with subcontractors, labor and
41 materials, with or without plans, drawings, specifications, instruments of
42 service, or other data concerning the labor and materials to be used for any
43 of the following ~~as long as the utilization of the uniform building code or~~

1 life safety code, as currently adopted by the division of architectural
 2 services of the state of Kansas, *provided, compliance with the most recent*
 3 *edition of the international building code adopted by the international*
 4 *code conference and rules and regulations adopted by the state fire*
 5 *marshal*, is not required:

6 (1) Store fronts or facades, interior alterations or additions, fixtures,
 7 cabinet work, furniture, appliances or other equipment;

8 (2) work necessary to provide for installation of any item designated
 9 in subsection (c)(1);

10 (3) alterations or additions to a building necessary to, or attendant
 11 upon, installation of any item designated in subsection (c)(1), if the
 12 alteration or addition does not change or affect:

13 (A) The structural system of the building, which structural system
 14 includes, but is not limited to, foundations, walls, floors, roofs, footings,
 15 bearing partitions, beams, columns or joists *and does not exceed the*
 16 *structural capacity of the system;*

17 (B) *the required exit capacities or exiting travel distances; or*

18 (C) *the required fire ratings of assemblies, fire separation walls or*
 19 *fire ratings required by building type.*

20 (d) Work involving matters of rates, rating and loss prevention by
 21 employees of insurance rating organizations and insurance service
 22 organizations and insurance companies and agencies.

23 (e) The performance of services by a licensed landscape architect or
 24 business entity issued a certificate of authorization to provide services in
 25 landscape architecture under K.S.A. 74-7036, and amendments thereto, in
 26 connection with landscape and site planning for the sites, approaches or
 27 environment for buildings, structures or facilities.

28 ~~(f) For the purposes of this section:~~

29 ~~(1) "Building" means any structure consisting of foundation, floors,~~
 30 ~~walls, columns, girders, beams and roof, or a combination of any number~~
 31 ~~of these parts, with or without other parts and appurtenances thereto,~~
 32 ~~including the structural, mechanical and electrical systems utility services,~~
 33 ~~and other facilities as may be required for the structure.~~

34 ~~(2) "Agricultural building" means any structure designed and~~
 35 ~~constructed to house hay, grain, poultry, livestock or other horticultural~~
 36 ~~products and for farm storage of farming implements. Such structure shall~~
 37 ~~not be a place for human habitation or a place of employment where~~
 38 ~~agricultural products are processed, treated or packaged; nor shall it be a~~
 39 ~~building or structure for use by the public.~~

40 Sec. 23. K.S.A. 74-7032 is hereby amended to read as follows: 74-
 41 7032. The provisions of ~~this act~~ *K.S.A. 74-7001 et seq., and amendments*
 42 *thereto*, requiring licensure or the issuance of a certificate of authorization
 43 under K.S.A. 74-7036, and amendments thereto, to engage in the practice

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 ~~country;~~

36 ~~(c) the practice work~~ of any person who is exclusively and regularly
 37 employed by ~~one a single~~ employer ~~only~~, *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 ~~only~~ with the affairs of

1 such employer or its subsidiaries and affiliates and *solely* for the uses,
2 purposes and benefit of such employer, subsidiaries and affiliates;~~only;~~

3 ~~(d)~~ (c) a plumbing contractor, master plumber or journeyman plumber
4 licensed under the provisions of K.S.A. 12-1508 et seq., and amendments
5 thereto, while performing the work such plumber is authorized to perform
6 pursuant to such license; or

7 ~~(e)~~ (d) an electrical contractor, master electrician, journeyman
8 electrician or residential electrician licensed under the provisions of
9 K.S.A. 12-1525 et seq., and amendments thereto, while performing the
10 work such electrician is authorized to perform pursuant to such license.

11 ~~(f)~~ (e) For purposes of this act, public officers and employees who,
12 within the scope of their employment and in the discharge of their public
13 duties, provide information pertinent to or review the sufficiency of
14 technical submissions, or who inspect property or buildings for
15 compliance with requirements safeguarding life, health or property, are not
16 engaged in the practice of the technical professions.

17 Sec. 28. K.S.A. 2012 Supp. 74-7036 is hereby amended to read as
18 follows: 74-7036. (a) Notwithstanding any other provision of law, a
19 business entity ~~may be~~ organized for the practice of one or more of the
20 technical professions ~~if shall obtain a certificate of authorization pursuant~~
21 ~~to this section prior to doing business in this state. To obtain a certificate~~
22 ~~of authorization a business entity must meet the following:~~

23 (1) One or more principals is designated as *being in* responsible
24 *charge* for the activities and decisions relating to the practice of such
25 profession and is licensed to practice such profession by the board and is a
26 regular employee of and active participant in the business entity;

27 (2) each person engaged in the practice of the technical profession is
28 licensed to practice such profession by the board, or is exempt from
29 licensure under K.S.A. 74-7031 through 74-7035, and amendments
30 thereto, or is exempt from examination for licensure in this state under
31 K.S.A. 74-7024, and amendments thereto; and

32 ~~(3) such business entity has been issued a certificate of authorization~~
33 ~~by the board each separate office or place of business established in this~~
34 ~~state by the business entity has a licensed professional who is regularly~~
35 ~~supervising the work of an office or place of business and has responsible~~
36 ~~charge of each respective technical professional practicing in the office.~~
37 ~~This requirement shall not apply to offices or places of business~~
38 ~~established to provide construction administration services only.~~

39 (b) A business entity ~~may~~ shall apply to the board for a certificate of
40 authorization, upon a form prescribed by the board, listing the names and
41 addresses of all principals licensed to practice the technical profession and
42 such other information as may be required by the board. The application
43 for a certificate of authorization shall be accompanied by an application

1 fee fixed by the board under K.S.A. 74-7009, and amendments thereto.
 2 ~~Except as provided in subsection (e);~~ The certificate of authorization shall
 3 be renewed biennially. The biennial renewal fee fixed by the board under
 4 K.S.A. 74-7009, and amendments thereto, shall be accompanied by a form
 5 prescribed by the board providing current information. In the event of a
 6 change of any principal, such change shall be provided to the board within
 7 30 days after the effective date of such change.

8 (c) If the board finds that such business entity is in compliance with
 9 all of the requirements of this section, the board shall issue a certificate of
 10 authorization to such business entity designating the technical profession
 11 for which such business entity is authorized to provide services.

12 (d) No business entity issued a certificate of authorization under this
 13 section shall be relieved of responsibility for the conduct or acts of its
 14 agents, employees or principals by reason of its compliance with the
 15 provisions of this section, nor shall any individual practicing a technical
 16 profession be relieved of responsibility and liability for services performed
 17 by reason of employment or relationship with such business entity. The
 18 requirements of this section shall not affect a business entity and its
 19 employees in performing services included within the term "technical
 20 professions" solely for the benefit of such business entity or subsidiary or
 21 affiliated business entities. Nothing in this section shall exempt any
 22 business entity from the provisions of any other law applicable thereto.

23 ~~(e) (1) The board is hereby authorized to issue a one-time renewal of~~
 24 ~~the certificate of authorization for a business entity for a one-year period~~
 25 ~~under the following conditions:~~

26 ~~(A) The certificate of authorization is scheduled for renewal on or~~
 27 ~~after December 31, 2010;~~

28 ~~(B) the name of the business entity begins with a letter in the last half~~
 29 ~~of the alphabet;~~

30 ~~(C) the board notifies the business entity that its certificate of~~
 31 ~~authorization will be renewed for one year; and~~

32 ~~(D) the fee for renewal under this subsection shall be one-half of the~~
 33 ~~biennial renewal fee set forth in K.S.A. 74-7009, and amendments thereto.~~

34 ~~(2) Any certificate of authorization which has been renewed for a~~
 35 ~~period of one year in accordance with this subsection shall be subsequently~~
 36 ~~renewed on a biennial basis as prescribed by K.S.A. 74-7001 et seq., and~~
 37 ~~amendments thereto.~~

38 ~~(3) No certificate of authorization shall be renewed for a period of~~
 39 ~~one year on or after January 1, 2012.~~

40 Sec. 29. K.S.A. 74-7038 is hereby amended to read as follows: 74-
 41 7038. A public official charged with the enforcement of any state, county
 42 or municipal building code shall not accept or approve any technical
 43 submissions involving the practice of the technical professions unless the

1 technical submissions have been stamped with the technical professional's
2 seal, *signed and dated* as required by ~~this act~~ *K.S.A. 74-7001 et seq., and*
3 *amendments thereto*, or unless the applicant has certified on the technical
4 submission to the applicability of a specific exception provided for in
5 K.S.A. 74-7035, and amendments thereto, permitting the preparation of
6 the technical submissions by a person not licensed under ~~this act~~ *K.S.A.*
7 *74-7001 et seq., and amendments thereto*. A building permit issued with
8 respect to technical submissions which does not conform to the
9 requirements of ~~this act~~ *K.S.A. 74-7001 et seq., and amendments thereto*, is
10 invalid. The acceptance or approval of technical submissions or the
11 issuance of a building permit by a public official engaged in building
12 inspection responsibilities, contrary to the provisions of ~~this act~~ *K.S.A. 74-*
13 *7001 et seq., and amendments thereto*, shall not create liability upon the
14 public official or the official's governmental agency.

15 Sec. 30. K.S.A. 74-7039 is hereby amended to read as follows: 74-
16 7039. (a) The ~~state board of technical professions~~, in addition to any other
17 penalty prescribed under ~~the act governing the technical professions~~ *K.S.A.*
18 *74-7001 et seq., and amendments thereto*, may assess civil fines ~~and costs,~~
19 ~~including attorney fees~~, after proper notice and an opportunity to be heard,
20 against any person or entity for a violation of the statutes, rules and
21 regulations or orders enforceable by the board in an amount not to exceed
22 \$5,000 for the first violation, \$10,000 for the second violation and \$15,000
23 for the third violation and for each subsequent violation. All civil fines
24 assessed and collected under this section shall be remitted to the state
25 treasurer in accordance with the provisions of K.S.A. 75-4215, and
26 amendments thereto. Upon receipt of each such remittance, the state
27 treasurer shall deposit the entire amount in the state treasury to the credit
28 of the state general fund. ~~All costs assessed under this section shall be~~
29 ~~remitted to the state treasurer in accordance with the provisions of K.S.A.~~
30 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~
31 ~~the state treasurer shall deposit the entire amount in the state treasury to~~
32 ~~the credit of the technical professions fee fund.~~

33 (b) *The board may also assess costs, including attorney fees, against*
34 *any person or entity for a violation of the statutes, rules and regulations or*
35 *orders enforceable by the board in addition to any fine imposed. All costs*
36 *assessed under this section shall be remitted to the state treasurer in*
37 *accordance with the provisions of K.S.A. 75-4215, and amendments*
38 *thereto. Upon receipt of each such remittance, the state treasurer shall*
39 *deposit the entire amount in the state treasury to the credit of the technical*
40 *professions fee fund.*

41 (c) In determining the amount of penalty to be assessed pursuant to
42 this section, the board may consider the following factors among others:

43 (1) Willfulness of the violation;

1 (2) repetitions of the violation; and

2 (3) magnitude of the risk of harm *to the health, safety, property and*
3 *welfare of the public* caused by the violation.

4 Sec. 31. K.S.A. 74-7040 is hereby amended to read as follows: 74-
5 7040. Any person licensed to practice the technical professions in the state
6 of Kansas at the time this act takes effect shall thereafter continue to
7 possess the same rights and privileges with respect to the practice of the
8 technical profession for which such person is licensed, *in accordance with*
9 *the current definition of the practice of such technical profession*, without
10 being required to obtain a new license under the provisions of this act,
11 subject to the power of the board as provided in this act to suspend or
12 revoke the license of any such person for any of the causes set forth in
13 K.S.A. 74-7026, and amendments thereto, and subject to the power of the
14 board to require any such person to renew such license as provided in
15 K.S.A. 74-7025, and amendments thereto.

16 Sec. 32. K.S.A. 2012 Supp. 74-7046 is hereby amended to read as
17 follows: 74-7046. (a) A ~~land~~ *professional* surveyor, licensed pursuant to
18 article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments
19 thereto, and such *professional* surveyor's authorized agents and employees
20 may enter upon lands, waters and premises of a party who has not
21 requested the survey when it is necessary for the purpose of making a
22 survey. If the licensed *professional* surveyor has made a reasonable
23 attempt to notify the person in possession, such entry shall not be deemed
24 a trespass. Upon notice, such person in possession has the right to modify
25 the time and other provisions of the *professional* surveyor's access upon
26 notification to the surveyor, as long as such modifications do not
27 unreasonably restrict completion of the survey. Nothing herein shall
28 change the status of the licensed *professional* surveyor as an occupier of
29 land.

30 (b) While conducting surveys, the licensed *professional* surveyor and
31 such *professional* surveyor's authorized agents and employees shall carry
32 proper identification as to such *professional* surveyor's licensure or
33 employment and shall display such identification to anyone upon request.

34 (c) Neither the landowner nor the person in possession shall be liable
35 for any injury or damage sustained by a licensed *professional* surveyor or
36 such *professional* surveyor's authorized agents and employees entering
37 upon such land, water or premises under the provisions of this section,
38 except when such damages and injury were willfully or deliberately
39 caused by the landowner or person in possession.

40 (d) Nothing in this section shall be construed to:

41 (1) Remove civil liability for actual damage to such lands, waters,
42 premises, crops or personal property;

43 (2) give the licensed *professional* surveyor or such *professional*

1 surveyor's authorized agents and employees the authority to enter any
2 building or structure used as a residence or for storage; and

3 (3) remove civil or criminal liability for intentional acts of injury or
4 for damages to the *professional* surveyor or authorized agents and
5 employees.

6 New Sec. 33. (a) Any person who furnishes, in good faith and without
7 malicious intent, information concerning an applicant for licensure, a
8 licensee or a holder of a certificate of authorization shall be immune from
9 any civil action for furnishing such information.

10 (b) The board, any member, employee or committee of the board,
11 counsel, investigator, expert, hearing officer, licensee or other person who
12 assists the board in the investigation or prosecution of an alleged violation
13 of K.S.A. 74-7001 et seq., and amendments thereto, a proceeding
14 concerning licensure or reissuance of a license, or a criminal prosecution is
15 immune from any civil liability for:

16 (1) Any decision or action taken in good faith and without malicious
17 intent in response to information acquired by the board; and

18 (2) disseminating information concerning an applicant for licensure, a
19 licensee or a holder of a certificate of authorization to any other licensing
20 board, national association of licensure boards, agency of the federal or
21 state government or any law enforcement agency.

22 Sec. 34. K.S.A. 2012 Supp. 74-99b16 is hereby amended to read as
23 follows: 74-99b16. (a) As used in this section, unless the context expressly
24 provides otherwise:

25 (1) "Ancillary technical services" include, but shall not be limited to,
26 geology services and other soil or subsurface investigation and testing
27 services, surveying, adjusting and balancing of air conditioning,
28 ventilating, heating and other mechanical building systems, testing and
29 consultant services that are determined by the bioscience authority to be
30 required for a project;

31 (2) "architectural services" means those services described by
32 ~~subsection (e) of~~ as the "*practice of architecture*," as defined in K.S.A. 74-
33 7003, and amendments thereto;

34 (3) "construction services" means the work performed by a
35 construction contractor to commence and complete a project;

36 (4) "construction management at-risk services" means the services
37 provided by a firm which has entered into a contract with the bioscience
38 authority to be the construction manager at risk for the value and schedule
39 of the contract for a project, which is to hold the trade contracts and
40 execute the work for a project in a manner similar to a general contractor
41 and which is required to solicit competitive bids for the trade packages
42 developed for a project and to enter into the trade contracts for a project
43 with the lowest responsible bidder therefor, and may include, but are not

1 limited to, such services as scheduling, value analysis, systems analysis,
2 constructability reviews, progress document reviews, subcontractor
3 involvement and prequalification, subcontractor bonding policy, budgeting
4 and price guarantees, and construction coordination;

5 (5) "division of facilities management" means the division of
6 facilities management of the department of administration;

7 (6) "engineering services" means those services described by
8 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
9 *7003, and amendments thereto;*

10 (7) "firm" means: (A) With respect to architectural services, an
11 individual, firm, partnership, corporation, association or other legal entity
12 which is: (i) Permitted by law to practice the profession of architecture;
13 and (ii) maintaining an office in Kansas staffed by one or more architects
14 who are licensed by the board of technical professions; or (iii) not
15 maintaining an office in Kansas, but which is qualified to perform special
16 architectural services that are required in special cases where in the
17 judgment of the bioscience authority it is necessary to go outside the state
18 to obtain such services; (B) with respect to engineering services or land
19 surveying, an individual, firm, partnership, corporation, association or
20 other legal entity permitted by law to practice the profession of
21 engineering and provide engineering services or practice the profession of
22 land surveying and provide land surveying services, respectively; (C) with
23 respect to construction management at-risk services, a qualified individual,
24 firm, partnership, corporation, association or other legal entity permitted
25 by law to perform construction management at-risk services; (D) with
26 respect to ancillary technical services or other services that are determined
27 by the bioscience authority to be required for a project, a qualified
28 individual, firm, partnership, corporation, association or other legal entity
29 permitted by law to practice the required profession or perform the other
30 required services, as determined by the bioscience authority; and (E) with
31 respect to construction services, a qualified individual, firm, partnership,
32 corporation, association, or other legal entity permitted by law to perform
33 construction services for a project;

34 (8) "land surveying" means those services described ~~in subsection (j)~~
35 ~~of~~ *as "professional surveying," as defined in K.S.A. 74-7003, and*
36 *amendments thereto;*

37 (9) "negotiating committee" means the board of directors of the
38 subsidiary corporation formed under K.S.A. 2012 Supp. 76-781, and
39 amendments thereto, except that for the period of May 1, 2008, through
40 May 1, 2009, the term shall have the meaning set forth in subsection (b) of
41 K.S.A. 75-1251, and amendments thereto;

42 (10) "project" means a project undertaken by the Kansas bioscience
43 authority;

1 (11) "project services" means architectural services, engineering
2 services, land surveying, construction management at-risk services,
3 construction services, ancillary technical services or other construction-
4 related services determined by the bioscience authority to be required for a
5 project; and

6 (12) "state building advisory commission" means the state building
7 advisory commission created by K.S.A. 75-3780, and amendments thereto.

8 (b) The bioscience authority, when acting under authority of this act,
9 and each project authorized by the bioscience authority under this act are
10 exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-
11 3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto,
12 except as otherwise specifically provided by this act.

13 (c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-
14 3744, and amendments thereto, or the provisions of any other statute to the
15 contrary, all contracts for any supplies, materials or equipment for a
16 project authorized by the bioscience authority under this act, shall be
17 entered into in accordance with procurement procedures determined by the
18 bioscience authority, subject to the provisions of this section, except that,
19 in the discretion of the bioscience authority, any such contract may be
20 entered into in the manner provided in and subject to the provisions of any
21 such statute otherwise applicable thereto. Notwithstanding the provisions
22 of K.S.A. 75-3738 through 75-3744, and amendments thereto, if the
23 bioscience authority does not obtain construction management at-risk
24 services for a project, the construction services for such project shall be
25 obtained pursuant to competitive bids and all contracts for construction
26 services for such project shall be awarded to the lowest responsible bidder
27 in accordance with procurement procedures determined and administered
28 by the bioscience authority which shall be consistent with the provisions of
29 K.S.A. 75-3738 through 75-3744, and amendments thereto.

30 (d) When it is necessary in the judgment of the bioscience authority
31 to obtain project services for a particular project by conducting
32 negotiations therefor, the bioscience authority shall publish a notice of the
33 commencement of negotiations for the required project services at least 15
34 days prior to the commencement of such negotiations in the Kansas
35 register in accordance with K.S.A. 75-430a, and amendments thereto, and
36 in such other appropriate manner as may be determined by the bioscience
37 authority.

38 (e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-
39 1251, and amendments thereto, or the provisions of any other statute to the
40 contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments
41 thereto, with respect to the procurement of architectural services for a
42 project authorized by the bioscience authority under this act, "negotiating
43 committee" shall mean the board of directors of the subsidiary corporation

1 formed under K.S.A. 2012 Supp. 76-781, and amendments thereto, and
2 such board of directors shall negotiate a contract with a firm to provide
3 any required architectural services for the project in accordance with the
4 provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto,
5 except that no limitation on the fees for architectural services for the
6 project shall apply to the fees negotiated by the board of directors for such
7 architectural services, except that for the period of May 1, 2008, through
8 May 1, 2009, the "negotiating committee" shall have the meaning set forth
9 in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the
10 board of directors of the subsidiary corporation formed under K.S.A. 2012
11 Supp. 76-781, and amendments thereto, shall have no role in the
12 procurement of architectural services for a project.

13 (2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-
14 5802, and amendments thereto, or the provisions of any other statute to the
15 contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments
16 thereto, with respect to the procurement of engineering services or land
17 surveying services for a project authorized by the bioscience authority
18 under this act, "negotiating committee" shall mean the board of directors
19 of the subsidiary corporation formed under K.S.A. 2012 Supp. 76-781, and
20 amendments thereto, and such board of directors shall negotiate a contract
21 with a firm to provide any required engineering services or land surveying
22 services for the project in accordance with the provisions of K.S.A. 75-
23 5801 through 75-5807, and amendments thereto, except that for the period
24 of May 1, 2008, through May 1, 2009, the "negotiating committee" shall
25 have the meaning set forth in subsection (b) of K.S.A. 75-1251, and
26 amendments thereto, and the board of directors of the subsidiary
27 corporation formed under K.S.A. 2012 Supp. 76-781, and amendments
28 thereto, shall have no role in the procurement of engineering services or
29 land surveying services for a project.

30 (3) In any case of a conflict between the provisions of this section and
31 the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through
32 75-5807, and amendments thereto, with respect to a project authorized by
33 the bioscience authority under this act, the provisions of this section shall
34 govern.

35 (f) (1) For the procurement of construction management at-risk
36 services for projects under this act, the secretary of administration shall
37 encourage firms engaged in the performance of construction management
38 at-risk services to submit annually to the secretary of administration and to
39 the state building advisory commission a statement of qualifications and
40 performance data. Each statement shall include data relating to: (A) The
41 firm's capacity and experience, including experience on similar or related
42 projects; (B) the capabilities and other qualifications of the firm's
43 personnel; and (C) performance data of all consultants the firm proposes

1 to use.

2 (2) Whenever the bioscience authority determines that a construction
3 manager at risk is required for a project under this act, the bioscience
4 authority shall notify the state building advisory commission and the state
5 building advisory commission shall prepare a list of at least three and not
6 more than five firms which are, in the opinion of the state building
7 advisory commission, qualified to serve as construction manager at risk for
8 the project. Such list shall be submitted to the negotiating committee,
9 without any recommendation of preference or other recommendation. The
10 negotiating committee shall have access to statements of qualifications of
11 and performance data on the firms listed by the state building advisory
12 commission and all information and evaluations regarding such firms
13 gathered and developed by the secretary of administration under K.S.A.
14 75-3783, and amendments thereto.

15 (3) The negotiating committee shall conduct discussions with each of
16 the firms so listed regarding the project. The negotiating committee shall
17 determine which construction management at-risk services are desired and
18 then shall proceed to negotiate with and attempt to enter into a contract
19 with the firm considered to be most qualified to serve as construction
20 manager at risk for the project. The negotiating committee shall proceed in
21 accordance with the same process with which negotiations are undertaken
22 to contract with a firm to be a project architect under K.S.A. 75-1257, and
23 amendments thereto, to the extent that such provisions can be made to
24 apply. Should the negotiating committee be unable to negotiate a
25 satisfactory contract with the firm considered to be most qualified,
26 negotiations with that firm shall be terminated and shall undertake
27 negotiations with the second most qualified firm, and so forth, in
28 accordance with that statute.

29 (4) The contract to perform construction management at-risk services
30 for a project shall be prepared by the division of facilities management and
31 entered into by the bioscience authority with the firm contracting to
32 perform such construction management at-risk services.

33 (g) (1) To assist in the procurement of construction services for
34 projects under this act, the secretary of administration shall encourage
35 firms engaged in the performance of construction services to submit
36 annually to the secretary of administration and to the state building
37 advisory commission a statement of qualifications and performance data.
38 Each statement shall include data relating to: (A) The firm's capacity and
39 experience, including experience on similar or related projects; (B) the
40 capabilities and other qualifications of the firm's personnel; (C)
41 performance data of all subcontractors the firm proposes to use; and (D)
42 such other information related to the qualifications and capability of the
43 firm to perform construction services for projects as may be prescribed by

1 the secretary of administration.

2 (2) The construction manager at risk shall publish a construction
3 services bid notice in the Kansas register and in such other appropriate
4 manner as may be determined by the bioscience authority. Each
5 construction services bid notice shall include the request for bids and other
6 bidding information prepared by the construction manager at risk and the
7 state bioscience authority with the assistance of the division of facilities
8 management. The current statements of qualifications of and performance
9 data on the firms submitting bid proposals shall be made available to the
10 construction manager at risk and the bioscience authority by the state
11 building advisory commission along with all information and evaluations
12 developed regarding such firms by the secretary of administration under
13 K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid
14 proposal shall be bonded in accordance with K.S.A. 60-1111, and
15 amendments thereto, and shall present evidence of such bond to the
16 construction manager at risk prior to submitting a bid proposal. If a firm
17 submitting a bid proposal fails to present such evidence, such firm shall be
18 deemed unqualified for selection under this subsection. At the time for
19 opening the bids, the construction manager at risk shall evaluate the bids
20 and shall determine the lowest responsible bidder. The construction
21 manager at risk shall enter into contracts with each firm performing the
22 construction services for the project and make a public announcement of
23 each firm selected in accordance with this subsection.

24 (h) The division of facilities management shall provide such
25 information and assistance as may be requested by the bioscience authority
26 or the negotiating committee for a project, including all or part of any
27 project services as requested by the bioscience authority, and: (1) Shall
28 prepare the request for proposals and publication information for each
29 publication of notice under this section, subject to the provisions of this
30 section;; (2) shall prepare each contract for project services for a project,
31 including each contract for construction services for a project;; (3) shall
32 conduct design development reviews for each project;; (4) shall review
33 and approve all construction documents for a project prior to soliciting
34 bids or otherwise soliciting proposals from construction contractors or
35 construction service providers for a project;; (5) shall obtain and maintain
36 copies of construction documents for each project;; and (6) shall conduct
37 periodic inspections of each project, including jointly conducting the final
38 inspection of each project.

39 (i) Notwithstanding the provisions of any other statute, the bioscience
40 authority shall enter into one or more contracts with the division of
41 facilities management for each project for the services performed by the
42 division of facilities management for the project as required by this section
43 or at the request of the bioscience authority. The division of facilities

1 management shall receive fees from the bioscience authority to recover the
2 costs incurred to provide such services pursuant to such contracts.

3 (j) Design development reviews and construction document reviews
4 conducted by the division of facilities management shall be limited to
5 ensuring only that the construction documents do not change the project
6 description and that the construction documents comply with the standards
7 established under K.S.A. 75-3783, and amendments thereto, by the
8 secretary of administration for the planning, design and construction of
9 buildings and major repairs and improvements to buildings for state
10 agencies, including applicable building and life safety codes and
11 appropriate and practical energy conservation and efficiency standards.

12 (k) Each project for a bioscience research institution shall receive a
13 final joint inspection by the division of facilities management and the
14 bioscience authority. Each such project shall be officially accepted by the
15 bioscience authority before such project is occupied or utilized by the
16 bioscience research institution, unless otherwise agreed to in writing by the
17 contractor and the bioscience authority as to the satisfactory completion of
18 the work on part of the project that is to be occupied and utilized,
19 including any corrections of the work thereon.

20 (l) (1) The bioscience authority shall issue monthly reports of
21 progress on each project and shall advise and consult with the joint
22 committee on state building construction regarding each project. Change
23 orders and changes of plans for a project shall be authorized or approved
24 by the bioscience authority.

25 (2) No change order or change of plans for a project involving either
26 cost increases of \$75,000 or more or involving a change in the proposed
27 use of a project shall be authorized or approved by the bioscience authority
28 without having first advised and consulted with the joint committee on
29 state building construction.

30 (3) Change orders or changes in plans for a project involving a cost
31 increase of less than \$75,000 and any change order involving a cost
32 reduction, other than a change in the proposed use of the project, may be
33 authorized or approved by the bioscience authority without prior
34 consultation with the joint committee on state building construction. The
35 bioscience authority shall report to the joint committee on state building
36 construction all action relating to such change orders or changes in plans.

37 (4) If the bioscience authority determines that it is in the best interest
38 of the state to authorize or approve a change order, a change in plans or a
39 change in the proposed use of any project that the bioscience authority is
40 required to first advise and consult with the joint committee on state
41 building construction prior to issuing such approval and if no meeting of
42 the joint committee is scheduled to take place within the next 10 business
43 days, then the bioscience authority may use the procedure authorized by

1 subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of
2 advising and consulting with the joint committee at a meeting. In any such
3 case, the bioscience authority shall mail a summary description of the
4 proposed change order, change in plans or change in the proposed use of
5 any project to each member of the joint committee on state building
6 construction and to the director of the legislative research department. If
7 the bioscience authority provides notice and information to the members
8 of the joint committee and to such director in the manner required and
9 subject to the same provisions and conditions that apply to the secretary of
10 administration under such statute, and if less than two members of the joint
11 committee contact the director of the legislative research department
12 within seven business days of the date the summary description was
13 mailed and request a presentation and review of any such proposed change
14 order, change in plans or change in use at a meeting of the joint committee,
15 then the bioscience authority shall be deemed to have advised and
16 consulted with the joint committee about such proposed change order,
17 change in plans or change in proposed use and may authorize or approve
18 such proposed change order, change in plans or change in proposed use.

19 (m) The provisions of this section shall apply to each project
20 authorized by the bioscience authority under this act and shall not apply to
21 any other capital improvement project of the bioscience authority or
22 bioscience research institution that is specifically authorized by any other
23 statute.

24 Sec. 35. K.S.A. 2012 Supp. 75-1251 is hereby amended to read as
25 follows: 75-1251. As used in K.S.A. 75-1250 through 75-1267, and
26 amendments thereto, unless the context otherwise requires, the following
27 terms shall be defined as follows:

28 (a) "Firm" means any individual, firm, partnership, corporation,
29 association, or other legal entity that is permitted by law to practice the
30 profession of architecture, engineering or land surveying.

31 (b) "Negotiating committee" means a committee to negotiate as
32 provided in this act, and consisting of the following members: (1) The
33 head of the state agency for which the proposed project is planned or of
34 the state agency that controls and supervises the operation and
35 management of the institution for which the proposed project is planned, if
36 such is the case, or a person designated by the head of the agency; (2) the
37 head of the institution for which the proposed project is planned, or a
38 person designated by the head of the institution. When the proposed
39 project is not planned for an institution, the state agency head shall
40 designate a second person in lieu of the head of an institution; and (3) the
41 secretary of administration, or a person designated by the secretary, who
42 shall act as chairperson of the committee.

43 (c) "Architectural services" means any of the following: (1) The

1 practice of architecture, as defined in ~~subsection (e)~~ of K.S.A. 74-7003,
2 and amendments thereto;

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

5 (3) interior design services.

6 (d) "Project architect, engineer or land surveyor" means a firm
7 employed under K.S.A. 75-1250 through 75-1267, and amendments
8 thereto, for a particular project.

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

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

13 (g) "Engineering services" means those services ~~prescribed in~~
14 ~~subsection (i) of~~ *described as the "practice of engineering," as defined in*
15 K.S.A. 74-7003, and amendments thereto, as related to building
16 construction defined in this section.

17 (h) "Land surveying" means those services ~~prescribed in subsection~~
18 ~~(k) of~~ *described as "professional surveying," as defined in* K.S.A. 74-
19 7003, and amendments thereto, as related to building construction defined
20 in this section.

21 (i) "Agency head" means the chief administrative officer of a state
22 agency, as the term is defined in subsection (3) of K.S.A. 75-3701, and
23 amendments thereto, but shall not include the chief administrative officer
24 of any state institution.

25 (j) "Building construction" means furnishing and utilizing labor,
26 equipment, materials or supplies used or consumed for the construction,
27 alteration, renovation, repair or maintenance of a building or structure.
28 Building construction does not include highways, roads, bridges, dams,
29 turnpikes or related structures, including, but not limited to, rest areas and
30 visitor centers or stand-alone parking lots.

31 Sec. 36. K.S.A. 2012 Supp. 75-37,142 is hereby amended to read as
32 follows: 75-37,142. As used in the Kansas alternative project delivery
33 construction procurement act, unless the context expressly provides
34 otherwise:

35 (a) "Act" means the Kansas alternative project delivery building
36 construction procurement act.

37 (b) "Agency" means the agency or state educational institution, as
38 defined in K.S.A. 76-756, and amendments thereto, with the authority to
39 award public contracts for building design and construction.

40 (c) "Alternative project delivery" means an integrated comprehensive
41 building design and construction process, including all procedures, actions,
42 sequences of events, contractual relations, obligations, interrelations and
43 various forms of agreement all aimed at the successful completion of the

1 design and construction of buildings and other structures whereby a
2 construction manager or general contractor or building design-build team
3 is selected based on a qualifications and best value approach.

4 (d) "Ancillary technical services" include, but shall not be limited to,
5 geology services and other soil or subsurface investigation and testing
6 services, surveying, adjusting and balancing air conditioning, ventilating,
7 heating and other mechanical building systems and testing and consultant
8 services that are determined by the agency to be required for the project.

9 (e) "Architectural services" means those services described by
10 ~~subsection (e) of~~ *as the "practice of architecture," as defined in K.S.A. 74-*
11 *7003, and amendments thereto.*

12 (f) "Best value selection" means a selection based upon project cost,
13 qualifications and other factors.

14 (g) "Building construction" means furnishing labor, equipment,
15 material or supplies used or consumed for the design, construction,
16 alteration, renovation, repair or maintenance of a building or structure.
17 Building construction does not include highways, roads, bridges, dams,
18 turnpikes or related structures, or stand-alone parking lots.

19 (h) "Building design-build" means a project for which the design and
20 construction services are furnished under one contract.

21 (i) "Building design-build contract" means a contract between the
22 agency and a design-builder to furnish the architecture or engineering and
23 related design services required for a given public facilities construction
24 project and to furnish the labor, materials and other construction services
25 for such public project.

26 (j) "Construction services" means the process of planning, acquiring,
27 building, equipping, altering, repairing, improving, or demolishing any
28 structure or appurtenance thereto, including facilities, utilities or other
29 improvements to any real property, excluding highways, roads, bridges,
30 dams, turnpikes or related structures, or stand-alone parking lots.

31 (k) "Construction management at-risk services" means the services
32 provided by a firm which has entered into a contract with the agency to be
33 the construction manager or general contractor for the value and schedule
34 of the contract for a project, which is to hold the trade contracts and
35 execute the work for a project in a manner similar to a general contractor,
36 and which is required to solicit competitive bids for the trade packages
37 developed for the project and to enter into the trade contracts for a project
38 with the lowest responsible bidder therefor. Construction management at-
39 risk services may include, but are not limited to scheduling, value analysis,
40 system analysis, constructability reviews, progress document reviews,
41 subcontractor involvement and prequalification, subcontractor bonding
42 policy, budgeting and price guarantees, and construction coordination.

43 (l) "Construction management at-risk contract" means the contract

1 whereby the state agency acquires from a construction manager or general
2 contractor a series of preconstruction services and an at-risk financial
3 obligation to carry out construction under a specified cost agreement.

4 (m) "Construction manager or general contractor" means any
5 individual, partnership, joint venture, corporation, or other legal entity who
6 is a member of the integrated project team with the state agency, design
7 professional and other consultants that may be required for the project,
8 who utilizes skill and knowledge of general contracting to perform
9 preconstruction services and competitively procures and contracts with
10 specialty contractors assuming the responsibility and the risk for
11 construction delivery within a specified cost and schedule terms including
12 a guaranteed maximum price.

13 (n) "Design-builder" means any individual, partnership, joint venture,
14 corporation or other legal entity that furnishes the architectural or
15 engineering services and construction services, whether by itself or
16 through subcontracts.

17 (o) "Design criteria consultant" means a person, corporation,
18 partnership, or other legal entity duly registered and authorized to practice
19 architecture or professional engineering in this state pursuant to K.S.A. 74-
20 7003, and amendments thereto, and who is employed by contract to the
21 agency to provide professional design and administrative services in
22 connection with the preparation of the design criteria package.

23 (p) "Design criteria package" means performance-oriented
24 specifications for the public construction project sufficient to permit a
25 design-builder to prepare a response to the division's request for proposals
26 for a building design-build project.

27 (q) "Director" means the director of the division of facilities
28 management.

29 (r) "Division of facilities management" means the division of
30 facilities management of the department of administration.

31 (s) "Engineering services" means those services described by
32 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
33 *7003, and amendments thereto.*

34 (t) "Guaranteed maximum price" means the cost of the work as
35 defined in the contract.

36 (u) "Negotiating committee" means a group of individuals as defined
37 by K.S.A. 75-1251 and 75-5802, and amendments thereto.

38 (v) "Parking lot" means a designated area constructed on the ground
39 surface for parking motor vehicles. A parking lot included as part of a
40 building construction project shall be subject to the provisions of this act.
41 A parking lot designed and constructed as a stand-alone project shall not
42 be subject to the provisions of this act.

43 (w) "Preconstruction services" means a series of services that can

1 include, but are not necessarily limited to: Design review, scheduling, cost
2 control, value engineering, constructability evaluation, and preparation and
3 coordination of bid packages.

4 (x) "Project services" means architectural, engineering services, land
5 surveying, construction management at-risk services, ancillary technical
6 services or other construction-related services determined by the agency to
7 be required by the project.

8 (y) "Public construction project" means the process of designing,
9 constructing, reconstructing, altering or renovating a public building or
10 other structure. Public construction project does not include the process of
11 designing, constructing, altering or repairing a public highway, road,
12 bridge, dam, turnpike or related structure.

13 (z) "State building advisory commission" means the state building
14 advisory commission created by K.S.A. 75-3780, and amendments thereto.

15 (aa) "Stipend" means an amount paid to the unsuccessful proposers to
16 defray the cost of submission of phase II of the building design-build
17 proposal.

18 Sec. 37. K.S.A. 75-5802 is hereby amended to read as follows: 75-
19 5802. As used in this act unless the context specifically requires otherwise:

20 (a) "Firm" means any individual, firm, partnership, corporation,
21 association, or other legal entity permitted by law to practice the
22 profession of engineering and provide engineering services or practice the
23 profession of land surveying and provide land surveying services.

24 (b) "Engineering services" means those services described ~~in~~
25 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
26 *7003, and amendments thereto.*

27 (c) "Land surveying" means those services described ~~in subsection (j)~~
28 ~~of~~ *as "professional surveying," as defined in K.S.A. 74-7003, and*
29 *amendments thereto.*

30 (d) "Agency head" means the chief administrative officer of a state
31 agency, as that term is defined in subsection (3) of K.S.A. 75-3701, and
32 amendments thereto, but shall not include the chief administrative officer
33 of any state institution.

34 (e) "Negotiating committee" means a committee designated to
35 negotiate as provided in this act, and consisting of: (1) The agency head of
36 the state agency for which the proposed project is planned, or a person
37 designated by such agency head; (2) the secretary of administration, or a
38 person designated by ~~said~~ *such* secretary; and (3) the chief administrative
39 officer of the state institution for which the proposed project is planned, or
40 when the proposed project is not planned for a state institution, the agency
41 head shall designate a second person in lieu of the chief administrative
42 officer of a state institution.

43 (f) "Project" means any capital improvement project or any study,

1 plan, survey or program activity of a state agency, including development
2 of new or existing programs and preparation of federal grant applications.

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

6 Sec. 38. K.S.A. 2012 Supp. 76-786 is hereby amended to read as
7 follows: 76-786. (a) As used in this section, unless the context expressly
8 provides otherwise:

9 (1) "Ancillary technical services" include, but shall not be limited to,
10 geology services and other soil or subsurface investigation and testing
11 services, surveying, adjusting and balancing of air conditioning,
12 ventilating, heating and other mechanical building systems, testing and
13 consultant services that are determined by the board of regents to be
14 required for a project;

15 (2) "architectural services" means those services described by
16 ~~subsection (e) of~~ as the "practice of architecture," as defined in K.S.A. 74-
17 7003, and amendments thereto;

18 (3) "construction services" means the work performed by a
19 construction contractor to commence and complete a project;

20 (4) "construction management at-risk services" means the services
21 provided by a firm which has entered into a contract with the board of
22 regents to be the construction manager at risk for the value and schedule of
23 the contract for a project, which is to hold the trade contracts and execute
24 the work for a project in a manner similar to a general contractor and
25 which is required to solicit competitive bids for the trade packages
26 developed for a project and to enter into the trade contracts for a project
27 with the lowest responsible bidder therefor, and may include, but are not
28 limited to, such services as scheduling, value analysis, systems analysis,
29 constructability reviews, progress document reviews, subcontractor
30 involvement and prequalification, subcontractor bonding policy, budgeting
31 and price guarantees, and construction coordination;

32 (5) "division of facilities management" means the division of
33 facilities management of the department of administration;

34 (6) "engineering services" means those services described by
35 ~~subsection (i) of~~ as the "practice of engineering," as defined in K.S.A. 74-
36 7003, and amendments thereto;

37 (7) "firm" means: (A) With respect to architectural services, an
38 individual, firm, partnership, corporation, association or other legal entity
39 which is: (i) Permitted by law to practice the profession of architecture;
40 and (ii) maintaining an office in Kansas staffed by one or more architects
41 who are licensed by the board of technical professions; or (iii) not
42 maintaining an office in Kansas, but which is qualified to perform special
43 architectural services that are required in special cases where in the

1 judgment of the board of regents it is necessary to go outside the state to
2 obtain such services; (B) with respect to engineering services or land
3 surveying, an individual, firm, partnership, corporation, association or
4 other legal entity permitted by law to practice the profession of
5 engineering and provide engineering services or practice the profession of
6 land surveying and provide land surveying services, respectively; (C) with
7 respect to construction management at-risk services, a qualified individual,
8 firm, partnership, corporation, association or other legal entity permitted
9 by law to perform construction management at-risk services; (D) with
10 respect to ancillary technical services or other services that are determined
11 by the board of regents to be required for a project, a qualified individual,
12 firm, partnership, corporation, association or other legal entity permitted
13 by law to practice the required profession or perform the other required
14 services, as determined by the board of regents; and (E) with respect to
15 construction services, a qualified individual, firm, partnership, corporation,
16 association, or other legal entity permitted by law to perform construction
17 services for a project;

18 (8) "land surveying" means those services described in subsection (j)
19 of as "*professional surveying*," as defined in K.S.A. 74-7003, and
20 amendments thereto;

21 (9) "negotiating committee" means the board of directors of the
22 subsidiary corporation formed under K.S.A. 2012 Supp. 76-781, and
23 amendments thereto;

24 (10) "project" means: (A) The project for the KSU food safety and
25 security research facility; (B) the project for the KUMC biomedical
26 research facility; (C) the project for the WSU engineering complex
27 expansion and research laboratory; or (D) the project for the acquisition
28 and installation of equipment for the KU biosciences research building,
29 which are funded from the proceeds of the bonds authorized to be issued
30 under K.S.A. 2012 Supp. 76-783, and amendments thereto, within the
31 limitation of \$120,000,000, in the aggregate, plus all amounts required for
32 costs of any bond issuance, costs of interest on any bond issued or
33 obtained for such scientific research and development facilities and any
34 required reserves for payment of principal and interest on any such bond,
35 and from any moneys received as gifts, grants or otherwise from any
36 public or private nonstate source;

37 (11) "project services" means architectural services, engineering
38 services, land surveying, construction management at-risk services,
39 construction services, ancillary technical services or other construction-
40 related services determined by the board of regents to be required for a
41 project; and

42 (12) "state building advisory commission" means the state building
43 advisory commission created by K.S.A. 75-3780, and amendments thereto.

1 (b) The board of regents, when acting under authority of this act, and
2 each project authorized by the board of regents under this act are exempt
3 from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-
4 3742 through 75-3744, and 75-3783, and amendments thereto, except as
5 otherwise specifically provided by this act.

6 (c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-
7 3744, and amendments thereto, or the provisions of any other statute to the
8 contrary, all contracts for any supplies, materials or equipment for a
9 project authorized by the board of regents under this act, shall be entered
10 into in accordance with procurement procedures determined by the board
11 of regents, subject to the provisions of this section, except that, in the
12 discretion of the board of regents, any such contract may be entered into in
13 the manner provided in and subject to the provisions of any such statute
14 otherwise applicable thereto. Notwithstanding the provisions of K.S.A. 75-
15 3738 through 75-3744, and amendments thereto, if the board of regents
16 does not obtain construction management at-risk services for a project, the
17 construction services for such project shall be obtained pursuant to
18 competitive bids and all contracts for construction services for such project
19 shall be awarded to the lowest responsible bidder in accordance with
20 procurement procedures determined and administered by the board of
21 regents which shall be consistent with the provisions of K.S.A. 75-3738
22 through 75-3744, and amendments thereto.

23 (d) When it is necessary in the judgment of the board of regents to
24 obtain project services for a particular project by conducting negotiations
25 therefor, the board of regents shall publish a notice of the commencement
26 of negotiations for the required project services at least 15 days prior to the
27 commencement of such negotiations in the Kansas register in accordance
28 with K.S.A. 75-430a, and amendments thereto, and in such other
29 appropriate manner as may be determined by the board of regents.

30 (e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-
31 1251, and amendments thereto, or the provisions of any other statute to the
32 contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments
33 thereto, with respect to the procurement of architectural services for a
34 project authorized by the board of regents under this act, "negotiating
35 committee" shall mean the board of directors of the subsidiary corporation
36 formed under K.S.A. 2012 Supp. 76-781, and amendments thereto, and
37 such board of directors shall negotiate a contract with a firm to provide
38 any required architectural services for the project in accordance with the
39 provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto,
40 except that no limitation on the fees for architectural services for the
41 project shall apply to the fees negotiated by the board of directors for such
42 architectural services.

43 (2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-

1 5802, and amendments thereto, or the provisions of any other statute to the
2 contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments
3 thereto, with respect to the procurement of engineering services or land
4 surveying services for a project authorized by the board of regents under
5 this act, "negotiating committee" shall mean the board of directors of the
6 subsidiary corporation formed under K.S.A. 2012 Supp. 76-781, and
7 amendments thereto, and such board of directors shall negotiate a contract
8 with a firm to provide any required engineering services or land surveying
9 services for the project in accordance with the provisions of K.S.A. 75-
10 5801 through 75-5807, and amendments thereto.

11 (3) In any case of a conflict between the provisions of this section and
12 the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through
13 75-5807, and amendments thereto, with respect to a project authorized by
14 the board of regents under this act, the provisions of this section shall
15 govern.

16 (f) (1) For the procurement of construction management at-risk
17 services for projects under this act, the secretary of administration shall
18 encourage firms engaged in the performance of construction management
19 at-risk services to submit annually to the secretary of administration and to
20 the state building advisory commission a statement of qualifications and
21 performance data. Each statement shall include data relating to: (A) The
22 firm's capacity and experience, including experience on similar or related
23 projects;; (B) the capabilities and other qualifications of the firm's
24 personnel;; and (C) performance data of all consultants the firm proposes
25 to use.

26 (2) Whenever the board of regents determines that a construction
27 manager at risk is required for a project under this act, the board of regents
28 shall notify the state building advisory commission and the state building
29 advisory commission shall prepare a list of at least three and not more than
30 five firms which are, in the opinion of the state building advisory
31 commission, qualified to serve as construction manager at risk for the
32 project. Such list shall be submitted to the negotiating committee, without
33 any recommendation of preference or other recommendation. The
34 negotiating committee shall have access to statements of qualifications of
35 and performance data on the firms listed by the state building advisory
36 commission and all information and evaluations regarding such firms
37 gathered and developed by the secretary of administration under K.S.A.
38 75-3783, and amendments thereto.

39 (3) The negotiating committee shall conduct discussions with each of
40 the firms so listed regarding the project. The negotiating committee shall
41 determine which construction management at-risk services are desired and
42 then shall proceed to negotiate with and attempt to enter into a contract
43 with the firm considered to be most qualified to serve as construction

1 manager at risk for the project. The negotiating committee shall proceed in
2 accordance with the same process with which negotiations are undertaken
3 to contract with a firm to be a project architect under K.S.A. 75-1257, and
4 amendments thereto, to the extent that such provisions can be made to
5 apply. Should the negotiating committee be unable to negotiate a
6 satisfactory contract with the firm considered to be most qualified,
7 negotiations with that firm shall be terminated and shall undertake
8 negotiations with the second most qualified firm, and so forth, in
9 accordance with that statute.

10 (4) The contract to perform construction management at-risk services
11 for a project shall be prepared by the division of facilities management and
12 entered into by the board of regents with the firm contracting to perform
13 such construction management at-risk services.

14 (g) (1) To assist in the procurement of construction services for
15 projects under this act, the secretary of administration shall encourage
16 firms engaged in the performance of construction services to submit
17 annually to the secretary of administration and to the state building
18 advisory commission a statement of qualifications and performance data.
19 Each statement shall include data relating to: (A) The firm's capacity and
20 experience, including experience on similar or related projects;; (B) the
21 capabilities and other qualifications of the firm's personnel;; (C)
22 performance data of all subcontractors the firm proposes to use;; and (D)
23 such other information related to the qualifications and capability of the
24 firm to perform construction services for projects as may be prescribed by
25 the secretary of administration.

26 (2) The construction manager at risk shall publish a construction
27 services bid notice in the Kansas register and in such other appropriate
28 manner as may be determined by the board of regents. Each construction
29 services bid notice shall include the request for bids and other bidding
30 information prepared by the construction manager at risk and the state
31 board of regents with the assistance of the division of facilities
32 management. The current statements of qualifications of and performance
33 data on the firms submitting bid proposals shall be made available to the
34 construction manager at risk and the board of regents by the state building
35 advisory commission along with all information and evaluations
36 developed regarding such firms by the secretary of administration under
37 K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid
38 proposal shall be bonded in accordance with K.S.A. 60-1111, and
39 amendments thereto, and shall present evidence of such bond to the
40 construction manager at risk prior to submitting a bid proposal. If a firm
41 submitting a bid proposal fails to present such evidence, such firm shall be
42 deemed unqualified for selection under this subsection. At the time for
43 opening the bids, the construction manager at risk shall evaluate the bids

1 and shall determine the lowest responsible bidder. The construction
2 manager at risk shall enter into contracts with each firm performing the
3 construction services for the project and make a public announcement of
4 each firm selected in accordance with this subsection.

5 (h) The division of facilities management shall provide such
6 information and assistance as may be requested by the board of regents or
7 the negotiating committee for a project, including all or part of any project
8 services as requested by the board of regents, and: (1) Shall prepare the
9 request for proposals and publication information for each publication of
10 notice under this section, subject to the provisions of this section;; (2) shall
11 prepare each contract for project services for a project, including each
12 contract for construction services for a project;; (3) shall conduct design
13 development reviews for each project;; (4) shall review and approve all
14 construction documents for a project prior to soliciting bids or otherwise
15 soliciting proposals from construction contractors or construction service
16 providers for a project;; (5) shall obtain and maintain copies of
17 construction documents for each project;; and (6) shall conduct periodic
18 inspections of each project, including jointly conducting the final
19 inspection of each project.

20 (i) Notwithstanding the provisions of any other statute, the board of
21 regents shall enter into one or more contracts with the division of facilities
22 management for each project for the services performed by the division of
23 facilities management for the project as required by this section or at the
24 request of the board of regents. The division of facilities management shall
25 receive fees from the board of regents to recover the costs incurred to
26 provide such services pursuant to such contracts.

27 (j) Design development reviews and construction document reviews
28 conducted by the division of facilities management shall be limited to
29 ensuring only that the construction documents do not change the project
30 description and that the construction documents comply with the standards
31 established under K.S.A. 75-3783, and amendments thereto, by the
32 secretary of administration for the planning, design and construction of
33 buildings and major repairs and improvements to buildings for state
34 agencies, including applicable building and life safety codes and
35 appropriate and practical energy conservation and efficiency standards.

36 (k) Each project for a state educational institution shall receive a final
37 joint inspection by the division of facilities management and the board of
38 regents. Each such project shall be officially accepted by the board of
39 regents before such project is occupied or utilized by the state educational
40 institution, unless otherwise agreed to in writing by the contractor and the
41 board of regents as to the satisfactory completion of the work on part of
42 the project that is to be occupied and utilized, including any corrections of
43 the work thereon.

1 (1) (1) The board of regents shall issue monthly reports of progress on
2 each project and shall advise and consult with the joint committee on state
3 building construction regarding each project. Change orders and changes
4 of plans for a project shall be authorized or approved by the board of
5 regents.

6 (2) No change order or change of plans for a project involving either
7 cost increases of \$75,000 or more or involving a change in the proposed
8 use of a project shall be authorized or approved by the board of regents
9 without having first advised and consulted with the joint committee on
10 state building construction.

11 (3) Change orders or changes in plans for a project involving a cost
12 increase of less than \$75,000 and any change order involving a cost
13 reduction, other than a change in the proposed use of the project, may be
14 authorized or approved by the board of regents without prior consultation
15 with the joint committee on state building construction. The board of
16 regents shall report to the joint committee on state building construction all
17 action relating to such change orders or changes in plans.

18 (4) If the board of regents determines that it is in the best interest of
19 the state to authorize or approve a change order, a change in plans or a
20 change in the proposed use of any project that the board of regents is
21 required to first advise and consult with the joint committee on state
22 building construction prior to issuing such approval and if no meeting of
23 the joint committee is scheduled to take place within the next 10 business
24 days, then the board of regents may use the procedure authorized by
25 subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of
26 advising and consulting with the joint committee at a meeting. In any such
27 case, the board of regents shall mail a summary description of the
28 proposed change order, change in plans or change in the proposed use of
29 any project to each member of the joint committee on state building
30 construction and to the director of the legislative research department. If
31 the board of regents provides notice and information to the members of the
32 joint committee and to such director in the manner required and subject to
33 the same provisions and conditions that apply to the secretary of
34 administration under such statute, and if less than two members of the joint
35 committee contact the director of the legislative research department
36 within seven business days of the date the summary description was
37 mailed and request a presentation and review of any such proposed change
38 order, change in plans or change in use at a meeting of the joint committee,
39 then the board of regents shall be deemed to have advised and consulted
40 with the joint committee about such proposed change order, change in
41 plans or change in proposed use and may authorize or approve such
42 proposed change order, change in plans or change in proposed use.

43 (m) The provisions of this section shall apply to each project

1 authorized by the board of regents under this act and shall not apply to any
2 other capital improvement project of the board of regents or of any state
3 educational institution that is specifically authorized by any other statute.

4 Sec. 39. K.S.A. 2012 Supp. 76-7,126 is hereby amended to read as
5 follows: 76-7,126. As used in this act, unless the context expressly
6 provides otherwise:

7 (a) "State educational institution" or "institution" means Fort Hays
8 state university, Kansas state university of agriculture and applied science,
9 Kansas state university veterinary medical center, Emporia state university,
10 Pittsburg state university, university of Kansas, university of Kansas
11 medical center, Wichita state university and Kansas state university,
12 college of technology at Salina.

13 (b) "Alternative project delivery" means an integrated comprehensive
14 building design and construction process, including all procedures, actions,
15 sequences of events, contractual relations, obligations, interrelations and
16 various forms of agreement all aimed at the successful completion of the
17 design and construction of buildings and other structures whereby a
18 construction manager or general contractor team is selected based on a
19 qualifications and best value approach.

20 (c) "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 institution to be required for the
25 project.

26 (d) "Architectural services" means those services described by
27 ~~subsection (e) of~~ *as the "practice of architecture," as defined in K.S.A. 74-*
28 *7003, and amendments thereto.*

29 (e) "Best value selection" means a selection based upon project cost,
30 qualifications and other factors.

31 (f) (1) "Building construction" means furnishing labor, equipment,
32 material or supplies used or consumed for the design, construction,
33 alteration, renovation, repair or maintenance of a building or structure.

34 (2) "Building construction" does not include highways, roads,
35 bridges, dams, turnpikes or related structures or stand-alone parking lots.

36 (g) "Construction project services" means the process of planning,
37 acquiring, building, equipping, altering, repairing, improving, or
38 demolishing any structure or appurtenance thereto, including facilities,
39 utilities or other improvements to any real property, excluding highways,
40 roads, bridges, dams, turnpikes or related structures or stand-alone parking
41 lots.

42 (h) "Construction management at-risk services" means the services
43 provided by a firm which has entered into a contract with the institution to

1 be the construction manager or general contractor for the value and
2 schedule of the contract for a project, which is to hold the trade contracts
3 and execute the work for a project in a manner similar to a general
4 contractor, and which is required to solicit competitive bids for the trade
5 packages developed for the project and to enter into the trade contracts for
6 a project with the lowest responsible bidder therefor. Construction
7 management at-risk services may include, but are not limited to
8 scheduling, value analysis, system analysis, constructability reviews,
9 progress document reviews, subcontractor involvement and
10 prequalification, subcontractor bonding policy, budgeting and price
11 guarantees and construction coordination.

12 (i) "Construction management at-risk contract" means a contract
13 under which an institution acquires from a construction manager or
14 general contractor a series of preconstruction services and an at-risk
15 financial obligation to carry out construction under a specified cost
16 agreement.

17 (j) "Construction manager or general contractor" means any
18 individual, partnership, joint venture, corporation, or other legal entity who
19 is a member of the integrated project team with the institution, design
20 professional and other consultants that may be required for the project,
21 who utilizes skill and knowledge of general contracting to perform
22 preconstruction services and competitively procures and contracts with
23 specialty contractors assuming the responsibility and the risk for
24 construction delivery within a specified cost and schedule terms including
25 a guaranteed maximum price.

26 (k) "Design criteria consultant" means a person, corporation,
27 partnership, or other legal entity duly registered and authorized to practice
28 architecture or professional engineering in this state pursuant to K.S.A. 74-
29 7003, and amendments thereto, and who is employed by contract to the
30 institution to provide professional design and administrative services in
31 connection with the preparation of the design criteria package.

32 (l) "Engineering services" means those services described by
33 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
34 *7003, and amendments thereto.*

35 (m) "Guaranteed maximum price" means the cost of the work as
36 defined in the contract.

37 (n) "Non-state moneys" means any funds received by a state
38 educational institution from any source other than the state of Kansas or
39 any agency thereof.

40 (o) "Parking lot" means a designated area constructed on the ground
41 surface for parking motor vehicles. A parking lot included as part of a
42 building construction project shall be subject to the provisions of this act.
43 A parking lot designed and constructed as a stand-alone project shall not

1 be subject to the provisions of this act.

2 (p) "Preconstruction services" means a series of services including,
3 but not limited to: Design review, scheduling, cost control, value
4 engineering, constructability evaluation and preparation and coordination
5 of bid packages.

6 (q) (1) "Construction project" or "project" means the process of
7 designing, constructing, reconstructing, altering or renovating a building or
8 other structure.

9 (2) "Construction project" or "project" does not mean the process of
10 designing, constructing, altering or repairing a public highway, road,
11 bridge, dam, turnpike or related structure.

12 (r) "Procurement committee" means the state educational institution
13 procurement committee established by K.S.A. 2012 Supp. 76-7,131, and
14 amendments thereto.

15 (s) "State board" means the state board of regents.

16 Sec. 40. K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-
17 7016, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7037, 74-7038,
18 74-7039, 74-7040, 74-7042 and 75-5802 and K.S.A. 2012 Supp. 19-216c,
19 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-
20 7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7041,
21 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 are hereby
22 repealed.

23 Sec. 41. This act shall take effect and be in force from and after its
24 publication in the statute book.