

CORRECTED
As Amended by Senate Committee

Session of 2013

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~~ **2013** 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~~ **2013** Supp. 74-7041.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. ~~2012~~ **2013** Supp. 19-216c is hereby amended to
13 read as follows: 19-216c. (a) "Alternative project delivery" means an
14 integrated comprehensive building design and construction process,
15 including all procedures, actions, sequences of events, contractual
16 relations, obligations, interrelations and various forms of agreement all
17 aimed at the successful completion of the design and construction of
18 buildings and other structures whereby a construction manager or general
19 contractor or building design-build team is selected based on a
20 qualifications and best value approach.

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

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

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

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

1 thereto.

2 (f) "Building construction" means furnishing labor, equipment,
3 material or supplies used or consumed for the design, construction,
4 alteration, renovation, repair or maintenance of a building or structure.
5 Building construction does not include highways, roads, bridges, dams,
6 turnpikes or related structures, or stand-alone parking lots.

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

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

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

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

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

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

1 a guaranteed maximum price.

2 (m) "Design-builder" means any individual, partnership, joint
3 venture, corporation or other legal entity that furnishes the architectural or
4 engineering services and construction services, whether by itself or
5 through subcontracts.

6 (n) "Design criteria consultant" means a person, corporation,
7 partnership or other legal entity duly registered and authorized to practice
8 architecture or professional engineering in this state pursuant to K.S.A. 74-
9 7003, and amendments thereto, and who is employed by contract with the
10 board to provide professional design and administrative services in
11 connection with the preparation of the design criteria package.

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

16 (p) "Engineering services" means those services described by
17 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
18 *7003, and amendments thereto.*

19 (q) "Firm" means any individual, partnership, joint venture,
20 corporation or other legal entity which is engaged in the business of
21 providing construction management or general construction contracting
22 services.

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

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

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

34 (u) "Project services" means architectural, engineering services, land
35 surveying, construction management at-risk services, ancillary technical
36 services or other construction-related services determined by the board to
37 be required by the project.

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

43 (w) "Stipend" means an amount paid to the unsuccessful and

1 responsive firms to defray the cost of submission of phase II of the
2 building design-build proposal.

3 Sec. 2. K.S.A. ~~2012~~ **2013** Supp. 19-1401a is hereby amended to read
4 as follows: 19-1401a. (a) The board of county commissioners of each
5 county may appoint a land surveyor, whose official title shall be county
6 surveyor. The county surveyor may appoint deputy county surveyors, and
7 each deputy may perform the duties devolved upon the county surveyor by
8 law. The county surveyor shall be a land surveyor, licensed pursuant to
9 article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments
10 thereto. The county surveyor may be a full-time or part-time county
11 employee, or a contract employee, as determined appropriate by the board
12 of county commissioners. A land surveyor may be a county surveyor in
13 more than one county.

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

19 Sec. 3. K.S.A. ~~2012~~ **2013** Supp. 72-6760d is hereby amended to read
20 as follows: 72-6760d. As used in the Kansas unified school district
21 alternative project delivery construction procurement act, unless the
22 context expressly provides otherwise:

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

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

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

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

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

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

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

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

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

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

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

38 (l) "Cost plus guaranteed maximum price contract" means a cost-
39 plus-a-fee contract with a guaranteed maximum price. This includes the
40 sum of the construction manager's fee, the construction manager's
41 contingency, the construction manager's general conditions, all the
42 subcontracts, plus an estimate for unbid subcontracts. The construction
43 manager agrees to pay for costs that exceed the guaranteed maximum price

1 and are not a result of changes in the contract documents.

2 (m) "Engineering services" means those services described by
3 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
4 *7003, and amendments thereto.*

5 (n) "Firm" means any individual, partnership, joint venture,
6 corporation or other legal entity which is engaged in the business of
7 providing construction management or general construction contracting
8 services.

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

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

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

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

22 (s) "Project services" means architectural, engineering services, land
23 surveying, construction management at-risk services, ancillary technical
24 services or other construction-related services determined by the board to
25 be required by the project.

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

31 Sec. 4. K.S.A. 74-7001 is hereby amended to read as follows: 74-
32 7001. (a) Except as otherwise provided in ~~this act~~ *K.S.A. 74-7001 et seq.,*
33 *and amendments thereto*, it shall be unlawful for any person to practice or
34 to offer to practice in the state of Kansas, any profession included within
35 the term technical professions, as such term is defined in ~~the provisions of~~
36 ~~this act~~ *K.S.A. 74-7003, and amendments thereto*, unless such person has
37 been duly licensed to practice such profession under ~~this act~~ *K.S.A. 74-*
38 *7001 et seq., and amendments thereto*, or holds a certificate of
39 authorization issued under K.S.A. 74-7036, *and amendments thereto*.

40 (b) Any person practicing any technical profession in this state, or
41 calling or representing such person as a licensed practitioner of such
42 technical profession, or using the title of a licensed practitioner of such
43 technical profession shall be required to submit evidence that such person

1 is qualified to practice such technical profession and is duly licensed under
2 this act K.S.A. 74-7001 et seq., and amendments thereto, or holds a
3 certificate of authorization issued under K.S.A. 74-7036, and amendments
4 thereto.

5 Sec. 5. K.S.A. ~~2012~~ 2013 Supp. 74-7003 is hereby amended to read
6 as follows: 74-7003. As used in K.S.A. 74-7001 et seq., and amendments
7 thereto:

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

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

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

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

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

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

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

4 (f) "Business entity" means a general corporation, professional
5 corporation, limited liability company, limited liability partnership,
6 corporate partnership or other legal entity created by law.

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

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

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

14 (3) administration of contracts for construction;

15 (4) observation of construction for general conformance with
16 requirements of approved construction documents or technical
17 submissions prepared by a licensee;

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

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

20 (7) performing technical evaluations and research;

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

23 (9) providing responsible supervision of these services, insofar as
24 such services involve safeguarding the health, safety, property and welfare
25 of the public.

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

40 ~~(i) "Ethical marketing of professional services" means the solicitation~~
41 ~~or offer by a licensee, either as an individual or on behalf of a business~~
42 ~~entity or by a business entity, to provide professional services for a~~
43 ~~potential governmental client, based on the licensee's professional~~

1 ~~qualifications, technical ability, specialized training and ability to provide~~
2 ~~the services in a timely manner, with the fee for such services entering into~~
3 ~~the discussions only after such governmental client has identified the~~
4 ~~licensee who is most qualified to provide the services required. For the~~
5 ~~purpose of this subsection, if an individual who is not a licensee is acting~~
6 ~~on behalf of a business entity, the business entity shall be responsible for~~
7 ~~the actions of the non-licensee.~~

8 ~~(f)~~ **(i)** "Government client" means any state, county or municipal
9 governmental entity including, but not limited to, any department, agency,
10 authority, planning district, board, commission, office or institution
11 thereof, and any school district, college, university and any individual
12 acting under authority to represent any such governmental entity.

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

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

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

43 ~~(e)~~ ~~(m)~~ **(l)** "License" means a license to practice the technical

1 professions granted under K.S.A. 74-7001 et seq., and amendments
2 thereto.

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

4 (1) ~~Rendering services or performing creative work which requires~~
5 ~~architectural education, training and experience, including services and~~
6 ~~work such as consultation, evaluation, planning, providing preliminary~~
7 ~~studies and designs, overall interior and exterior building design, the~~
8 ~~preparation of drawings, specifications and related documents, all in~~
9 ~~connection with the construction or erection of any private or public~~
10 ~~building, building project or integral part or parts of buildings or of any~~
11 ~~additions or alterations thereto, or other services and instruments of~~
12 ~~services related to architecture;~~

13 (2) ~~representation in connection with contracts entered into between~~
14 ~~clients and others; and~~

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

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

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

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

1 ~~conservation erosion control; drainage and grading; and the development~~
2 ~~of outdoor space in accordance with ideals of human use and enjoyment.~~

3 ~~(#) (m) "Person" means a natural person or business entity.~~

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

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

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

1 services, as defined in subsection (g); consulting, investigating,
2 evaluating, planning and designing of engineering works and systems;
3 producing engineering surveys and studies; and preparing any
4 engineering design features which embrace such service or work, either
5 public or private, for any utilities, structures, buildings, machines,
6 equipment, processes, work systems, projects and industrial or consumer
7 products or equipment of a mechanical, electrical, hydraulic, pneumatic
8 or thermal nature, insofar as they involve safeguarding the health, safety,
9 property or welfare of the public.

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

16 (3) The term "professional engineering" or "practice of professional
17 engineering" shall not include those services specifically identified in the
18 definition of "architecture," "landscape architecture," "professional
19 geology" and "professional surveying" except for those services which are
20 included in the term "common technical services," as defined in
21 subsection (g).

22 ~~(p)~~ (q) "Professional geologist" means a person who is qualified to
23 engage in the practice of geology and who is licensed by the board to
24 practice geology as provided in K.S.A. 74-7001 et seq., and amendments
25 thereto.

26 ~~(q)(r)~~(1) "Professional geology" or "practice of professional
27 geology" means the performing of professional geology services including
28 the following: Common technical services, as defined in subsection (g);
29 planning or mapping, providing observation, or the responsible
30 supervision thereof, in connection with the treatment of the earth and its
31 origin and history, in general; the investigation of the earth's constituent
32 rocks, minerals, solids, fluids, including surface and underground waters,
33 gases and other materials; and the study of the natural agents, forces and
34 processes which cause changes in the earth.

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

41 ~~(j)~~ ~~(r)~~(s) "Land Professional surveyor" means any person who is
42 engaged in the practice of land surveying and who is licensed by the board
43 to practice surveying as provided in K.S.A. 74-7001 et seq., and

1 amendments thereto, and who is licensed by the board.

2 ~~(k) (5)(f)(1)~~ *"Professional surveying" or "practice of land*
3 *professional surveying" includes:*

4 (1) ~~The performance of any professional service, the adequate~~
5 ~~performance of which involves the application of special knowledge and~~
6 ~~experience in the principles of mathematics, the related physical and~~
7 ~~applied sciences, the relevant requirements of law and the methods of~~
8 ~~surveying measurements in measuring and locating of lines, angles,~~
9 ~~elevation of natural and man-made features in the air, on the surface of the~~
10 ~~earth, within underground workings and on the bed of bodies of water for~~
11 ~~the purpose of determining areas, volumes and monumentation of property~~
12 ~~boundaries;~~

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

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

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

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

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

38 (A) *Determining by measurement the configuration or contour of the*
39 *earth's surface or the position of fixed objects thereon;*

40 (B) *determining by performing geodetic surveys the size and shape of*
41 *the earth or the position of any point on the earth;*

42 (C) *locating, relocating, establishing, re-establishing or retracing*
43 *property lines or boundaries of any tract of land, road, right-of-way or*

1 easement;

2 (D) preparing the original descriptions of real property for the
3 conveyance of or recording thereof and the preparation of graphics, data,
4 maps, plans, reports, land subdivision plats, descriptions and projects that
5 represent these surveys;

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

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

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

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

17 (2) The term "professional surveying" or "practice of professional
18 surveying" shall not include those services specifically identified in the
19 definition of "architecture," "landscape architecture," "professional
20 engineering" and "professional geology" except for those services which
21 are included in the term "common technical services," as defined in
22 subsection (g).

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

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

30 (n) "Geologist" means a person who is qualified to engage in the
31 practice of geology by reason of knowledge of geology, mathematics and
32 the supporting physical and life sciences, acquired by education and
33 practical experience, who is qualified as provided in K.S.A. 74-7001 et
34 seq., and amendments thereto, to engage in the practice of geology and
35 who is licensed by the board.

36 (o) "Practice of geology" means:

37 (1) The performing of professional services such as consultation,
38 investigation, evaluation, planning or mapping, or inspection, or the
39 responsible supervision thereof, in connection with the treatment of the
40 earth and its origin and history, in general; the investigation of the earth's
41 constituent rocks, minerals, solids, fluids including surface and
42 underground waters, gases and other materials; and the study of the natural
43 agents, forces and processes which cause changes in the earth;

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

5 ~~(3) representation in connection with contracts entered into between~~
6 ~~clients and others and the preparation and certification of geological~~
7 ~~information in reports and on maps insofar as it involves safeguarding life,~~
8 ~~health or property.~~

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

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

15 ~~(t) (u) "Responsible charge" means the application of personal~~
16 ~~supervision and professional judgment, and the incorporation of detailed~~
17 ~~knowledge with respect to the content of a technical submission by a~~
18 ~~licensee when applying the normal standard of care for the work that such~~
19 ~~licensee is licensed to perform.~~

20 ~~(tt) (v) "Standard of care" means the duty to exercise the degree of~~
21 ~~learning and skill ordinarily possessed by a reputable licensee practicing~~
22 ~~in Kansas in the same or similar locality and under similar circumstances.~~

23 ~~(tv) (w) "Technical professions" includes the professions of~~
24 ~~architecture, landscape architecture, professional engineering,~~
25 ~~professional geology and professional surveying as the practice of such~~
26 ~~professions are defined in K.S.A. 74-7001 et seq., and amendments thereto.~~

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

1 appointment the governor shall give consideration to the list of persons last
2 submitted.

3 Sec. 7. K.S.A. 74-7005 is hereby amended to read as follows: 74-
4 7005. (a) Membership of the board shall be as follows:

5 (1) Four members shall have been engaged in the practice of
6 engineering for at least eight years, *which practice shall include*
7 *responsible charge of engineering work*, and shall be *Kansas* licensed
8 *professional engineers*. At least one of such members shall be engaged in
9 private practice as an engineer. At least one of such members ~~shall~~ *may*
10 also be licensed as a ~~land~~ *Kansas professional* surveyor, as well as a
11 *Kansas* licensed *professional* engineer.

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

16 (3) Three members shall *have been engaged in the practice of*
17 *architecture for at least eight years, which practice shall include*
18 *responsible charge of architectural work, and shall be Kansas* licensed
19 architects ~~of recognized standing and shall have been engaged in the~~
20 ~~practice of the profession of architecture for at least eight years, which~~
21 ~~practice shall include responsible charge of architectural work as principal.~~

22 (4) One member shall *have been engaged in the practice of*
23 *landscape architecture for at least eight years, which practice shall*
24 *include responsible charge of landscape architectural work, and shall be a*
25 *Kansas* licensed landscape architect ~~and shall have been engaged in the~~
26 ~~practice of landscape architecture for at least eight years, which practice~~
27 ~~shall include responsible charge of landscape architectural work as~~
28 ~~principal.~~

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

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

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

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

40 Sec. 8. K.S.A. 74-7007 is hereby amended to read as follows: 74-
41 7007. The board shall organize annually at its first meeting subsequent to
42 July 1, and shall select a chairperson, vice-chairperson, and secretary from
43 its own membership. The secretary shall be the custodian of the common

1 seal, the books and records of the board, and shall ~~keep minutes be~~
2 *responsible for the recordation, publication and archiving* of all board
3 proceedings. The chairperson and secretary shall have the power to
4 administer oaths pertaining to the business of the board. The board shall
5 have a common seal and shall formulate rules to govern its actions. Each
6 member of the board shall take and subscribe the oaths prescribed by law
7 for state officers. The oaths provided for herein shall be filed in the office
8 of the secretary of state. The board shall hold an annual meeting and such
9 additional meetings as the board may designate. Seven members of the
10 board shall constitute a quorum for the transaction of business.

11 Sec. 9. K.S.A. ~~2012~~ **2013** Supp. 74-7009 is hereby amended to read
12 as follows: 74-7009. (a) The following nonrefundable fees shall be
13 collected by the board:

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

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

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

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

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

27 ~~(6) for the renewal of a certificate of authorization pursuant to~~
28 ~~subsection (c) of K.S.A. 74-7036, and amendments thereto, ½ of the~~
29 ~~renewal fee required by paragraph (5) of this subsection for the untimely~~
30 ~~renewal of a license or certificate of authorization pursuant to K.S.A. 74-~~
31 ~~7025, and amendments thereto, a late fee of not more than \$200; and~~

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

34 (b) On or before November 15; of each year, the board shall
35 determine the amount necessary to administer the provisions of K.S.A. 74-
36 7001 et seq., and amendments thereto, for the ensuing calendar year and
37 shall fix the fees for such year at the sum deemed necessary for such
38 purposes.

39 (c) The board shall remit all moneys received by or for it from fees,
40 charges or penalties to the state treasurer in accordance with the provisions
41 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
42 remittance, the state treasurer shall deposit the entire amount in the state
43 treasury. Ten percent of each such deposit shall be credited to the state

1 general fund and the balance shall be credited to the technical professions
2 fee fund, which fund is hereby created. All expenditures from such fund
3 shall be made in accordance with appropriation acts upon warrants of the
4 director of accounts and reports issued pursuant to vouchers approved by
5 the chairperson of the board or by a person or persons designated by the
6 chairperson.

7 Sec. 10. K.S.A. 74-7010 is hereby amended to read as follows: 74-
8 7010. A roster showing the names and places of business of all persons
9 licensed under ~~this act~~ *K.S.A. 74-7001 et seq., and amendments thereto*, or
10 issued a certificate of authorization under K.S.A. 74-7036, and
11 amendments thereto, shall be maintained by the executive director. The
12 roster shall also specify the branch of the technical professions in which
13 each such person is licensed or authorized to practice. Copies of the roster
14 ~~may be placed, at the discretion of the board, on file with the secretary of~~
15 ~~state and with the clerk of each county in this state and shall be furnished~~
16 ~~to such other persons as determined by the board. Copies shall be~~
17 ~~furnished to members of the public upon request. The board may charge~~
18 ~~and collect a fee for copies furnished to members of the public in an~~
19 ~~amount to be fixed by the board and approved by the director of accounts~~
20 ~~and reports under K.S.A. 45-219, and amendments thereto, in order to~~
21 ~~recover the actual costs incurred. All fees collected under this section shall~~
22 ~~be remitted to the state treasurer in accordance with the provisions of~~
23 ~~K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
24 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
25 ~~treasury to the credit of the technical professions fee fund shall be~~
26 ~~provided in accordance with the Kansas open records act, K.S.A. 45-215~~
27 ~~et seq., and amendments thereto.~~

28 Sec. 11. K.S.A. ~~2012~~ **2013** Supp. 74-7013 is hereby amended to read
29 as follows: 74-7013. (a) The board may adopt all rules and regulations,
30 including rules of professional conduct, which are necessary for
31 performance of its powers, duties and functions in the administration of
32 the provisions of K.S.A. 74-7001 et seq., and amendments thereto.

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

36 ~~(c) The board may adopt rules and regulations concerning the ethical~~
37 ~~marketing of professional services by licensees.~~

38 ~~(d) (c) The board may adopt rules and regulations concerning~~
39 ~~cancelled, inactive and emeritus licensure status.~~

40 ~~(e) (d) The board shall adopt rules and regulations prescribing~~
41 ~~minimum standards for boundary surveys, mortgage title inspection,~~
42 ~~American land title association surveys and such other surveys as~~
43 ~~necessary to control the quality of surveying in the state of Kansas.~~

1 Sec. 12.—K.S.A. 74-7016 is hereby amended to read as follows: 74-
2 7016. (a) ~~The board shall keep a record of its proceedings, and a register of~~
3 ~~all applications for license, which register shall show:—~~

- 4 ~~(1) The name and residence of each applicant;—~~
5 ~~(2) the date of the application;—~~
6 ~~(3) the place of business of such applicant;—~~
7 ~~(4) the applicant's educational and other qualifications;—~~
8 ~~(5) whether or not an examination was required;—~~
9 ~~(6) the action of the board upon the application;—~~
10 ~~(7) the date of the action of the board; and—~~
11 ~~(8) such other information as may be deemed necessary by the board.~~

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

16 ~~Sec. 13.~~ **12.** K.S.A. 74-7019 is hereby amended to read as follows:
17 74-7019. Minimum qualifications of applicants seeking licensure as
18 architects are the following:

- 19 (a) Graduation from a college or university program that is adequate
20 in its preparation of students for the practice of architecture, *as determined*
21 *by the board in accordance with applicable rules and regulations;* ~~and~~
22 (b) proof of architectural experience of a character satisfactory to the
23 board, as defined by rules and regulations of the board; and
24 (c) the satisfactory passage of an examination utilized by the board.

25 ~~Sec. 14.~~ **13.** K.S.A. ~~2012~~ **2013** Supp. 74-7021 is hereby amended to
26 read as follows: 74-7021. (a) Minimum qualifications of applicants
27 seeking licensure as professional engineers are the following:

- 28 (1) Graduation from a college or university program that is adequate
29 in its preparation of students for the practice of engineering, *as determined*
30 *by the board in accordance with applicable rules and regulations;* ~~and~~
31 (2) the satisfactory passage of ~~such written~~ *an* examination in the
32 fundamentals of engineering as utilized by the board; ~~and~~
33 (3) proof of four years of engineering experience of a character
34 satisfactory to the board, as defined by rules and regulations of the board;
35 and
36 (4) the satisfactory passage of ~~such~~ *an* examination in professional
37 practice as utilized by the board.

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

41 ~~Sec. 15.~~ **14.** K.S.A. ~~2012~~ **2013** Supp. 74-7022 is hereby amended to
42 read as follows: 74-7022. (a) Minimum qualifications of applicants
43 seeking licensure as ~~land~~ *professional* surveyors are the following:

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

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

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

7 New Sec. ~~16~~. **15.** (a) Minimum qualifications of applicants seeking
8 licensure as professional geologists are the following:

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

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

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

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

22 Sec. ~~17~~. **16.** K.S.A. ~~2012~~ **2013** Supp. 74-7023 is hereby amended to
23 read as follows: 74-7023. (a) All examinations required by K.S.A. 74-7001
24 et seq., and amendments thereto, shall be held at such time and place as the
25 board determines. The scope of the examinations, methods of procedure
26 and eligibility to take examinations, including reexaminations, shall be
27 prescribed by the board.

28 (b) The board, after receiving satisfactory evidence of the
29 qualifications of an applicant and after satisfactory examination of the
30 applicant, shall issue a license authorizing the applicant to practice the
31 technical profession for which the applicant is qualified and to use the title
32 appropriate to such technical profession.

33 (c) Each license shall show the full name of the licensee, shall have a
34 serial number and shall be signed by the chairperson and the secretary of
35 the board under seal of the board. The issuance of a license by the board
36 shall be prima facie evidence that the person named on the license is
37 legally licensed and is entitled to all the rights and privileges of a licensed
38 practitioner of the technical profession for which the licensee is licensed
39 while the license remains unrevoked and unexpired.

40 (d) Each licensee shall ~~purchase~~ *obtain* a seal of a distinctive design
41 authorized by the board, bearing the licensee's name and number and a
42 uniform inscription formulated by the board. Documents, ~~reports, legal~~
43 ~~descriptions, records and papers~~ signed by the licensee in the licensee's

1 professional capacity shall be stamped with the seal during the duration of
2 the license, but it shall be unlawful for anyone to stamp any document
3 with the seal after the license has expired or has been revoked, unless the
4 license has been renewed or reissued. No person shall tamper with or
5 revise the seal without express written approval by the board.

6 ~~(e) Any person licensed hereunder may stamp any documents~~
7 ~~submitted to such licensee by any practitioner of a technical profession~~
8 ~~licensed in another state upon assuming full responsibility for furnishing~~
9 ~~complete and adequate observation of the work covered by the documents~~
10 ~~to which the licensee has affixed the seal.~~

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

28 ~~Sec. 19. 18.~~ K.S.A. ~~2012~~ **2013** Supp. 74-7025 is hereby amended to
29 read as follows: 74-7025. (a) At least 30 days prior to the date of
30 expiration of a license or certificate of authorization, the executive director
31 shall notify every person licensed under K.S.A. 74-7001 et seq., and
32 amendments thereto, or business entity issued a certificate of authorization
33 under K.S.A. 74-7036, and amendments thereto, of the date of the
34 expiration of the license or certificate of authorization and the amount of
35 the fee that is required for its renewal for two years. The licensee shall
36 notify the board in writing of any change of address within 30 days after
37 the date of such change. ~~Renewal may be effected without penalty any~~
38 ~~time during a period of 60 days following the date of the expiration of the~~
39 ~~license or certificate of authorization by the payment of a renewal fee~~
40 ~~established by the board pursuant to the provisions of K.S.A. 74-7009, and~~
41 ~~amendments thereto~~ *A licensee shall not practice any technical profession*
42 *after the expiration date until the license or certificate of authorization*
43 *has been renewed or reinstated. Any license or certificate of authorization*

1 *not renewed by the expiration date may be renewed within 60 days after*
2 *such expiration date by payment of the renewal fee plus a late fee as set*
3 *forth in K.S.A. 74-7009, and amendments thereto. Any license or*
4 *certificate of authorization not renewed within 60 days after the expiration*
5 *date shall be cancelled.*

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

9 (c) ~~The failure on the part of any licensee or holder of a certificate of~~
10 ~~authorization to effect renewal or reinstatement of a license or certificate~~
11 ~~of authorization as required above shall result in the cancellation of the~~
12 ~~license or certificate of authorization by the board.~~

13 (d) Any person whose license or certificate of authorization has been
14 cancelled pursuant to subsection ~~(e)~~ (a) may have the license or certificate
15 of authorization reinstated by the board for good cause shown and ~~upon~~
16 ~~payment of a penalty determined by the board in an amount of not more~~
17 ~~than \$100 by filing an application for such license or certificate of~~
18 ~~authorization and such other documents as required by the board, and~~
19 ~~payment of the reinstatement fee as set forth in K.S.A. 74-7009, and~~
20 ~~amendments thereto.~~

21 (d) Any licensee who voluntarily decides to no longer practice a
22 technical profession shall have such licensee's status changed from active
23 to inactive, provided, such licensee meets the requirements for use of the
24 inactive licensure status established in the rules and regulations adopted
25 by the board. A person whose license is inactive may return to active
26 practice of a technical profession by applying for a return to active
27 practice, paying the appropriate fee as set forth in K.S.A. 74-7009, and
28 amendments thereto, and complying with all applicable rules and
29 regulations adopted by the board.

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

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

39 ~~Sec. 20. 19.~~ K.S.A. ~~2012~~ 2013 Supp. 74-7026 is hereby amended to
40 read as follows: 74-7026. (a) The board shall have the power to limit,
41 condition, reprimand or otherwise discipline, suspend or revoke the license
42 of any person who has engaged in any of the following conduct:

43 (1) The practice of any fraud or deceit in obtaining a license or

1 certificate of authorization issued under K.S.A. 74-7036, and amendments
2 thereto;

3 (2) any gross negligence, incompetency, misconduct or wanton
4 disregard for the rights of others in the practice of any technical
5 profession;

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

8 (4) violation of any rules of professional conduct adopted and
9 promulgated by the board or violation of rules and regulations adopted by
10 the board for the purpose of carrying out the provisions of K.S.A. 74-7001
11 et seq., and amendments thereto; or

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

17 (b) The board shall have the power to limit, condition, reprimand or
18 otherwise discipline, suspend or revoke the certificate of authorization of
19 any business entity which has engaged in any conduct which would
20 authorize the board to limit, condition, reprimand or otherwise discipline,
21 suspend or revoke the license of a person under this section.

22 (c) The board, for reasons it may deem sufficient, may reissue a
23 license or certificate of authorization that has been revoked and may
24 remove the suspension of the license or certificate of authorization
25 ~~providing, provided,~~ seven or more members of the board vote in favor of
26 such reissuance or removal of suspension. A new license or certificate of
27 authorization, to replace any revoked or suspended license or certificate of
28 authorization, may be issued, subject to rules and regulations of the board,
29 and a charge of \$100 shall be made for the issuance of such license or
30 \$150 for the issuance of a certificate of authorization.

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

33 ~~Sec. 21.~~ **20.** K.S.A. ~~2012~~ **2013** Supp. 74-7029 is hereby amended to
34 read as follows: 74-7029. (a) It shall be a class A misdemeanor for any
35 person to:

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

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

42 (3) falsely impersonate any other practitioner of like or different
43 name;

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

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

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

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

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

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

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

18 (2) by verbal claim, sign, advertisement, letterhead, card or in any
19 other way represents the person to be an architect, landscape architect,
20 professional engineer, *professional* geologist or ~~and~~ *professional*
21 surveyor;

22 (3) through the use of some other title implies that such person is an
23 architect, landscape architect, professional engineer, *professional* geologist
24 or ~~and~~ *professional* surveyor, or that such person is licensed to practice a
25 technical profession; or

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

29 (c) The attorney general of the state or the district or county attorney
30 of any county, at the request of the board, shall render such legal assistance
31 as may be necessary in carrying out the provisions of K.S.A. 74-7001 et
32 seq., and amendments thereto. Upon the request of the board, the attorney
33 general or district or county attorney of the proper county shall institute in
34 the name of the state or board the proper proceedings against any person
35 regarding whom a complaint has been made charging such person with the
36 violation of any of the provisions of K.S.A. 74-7001 et seq., and
37 amendments thereto. The attorney general, and such district or county
38 attorney, at the request of the attorney general or of the board, shall appear
39 and prosecute any and all such actions.

40 ~~Sec. 22.~~ **21.** K.S.A. ~~2012~~ **2013** Supp. 74-7031 is hereby amended to
41 read as follows: 74-7031. The provisions of K.S.A. 74-7001 et seq., and
42 amendments thereto, requiring licensure or the issuance of a certificate of
43 authorization under K.S.A. 74-7036, and amendments thereto, to engage in

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

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

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

7 (c) Persons furnishing, individually or with subcontractors, labor and
8 materials, with or without plans, drawings, specifications, instruments of
9 service, or other data concerning the labor and materials to be used for any
10 of the following ~~as long as the utilization of the uniform building code or~~
11 ~~life safety code, as currently adopted by the division of architectural~~
12 ~~services of the state of Kansas, provided, compliance with the most recent~~
13 ~~edition of the international building code adopted by the international~~
14 ~~code conference and rules and regulations adopted by the state fire~~
15 ~~marshal,~~ is not required:

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

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

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

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

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

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

30 (d) Work involving matters of rates, rating and loss prevention by
31 employees of insurance rating organizations and insurance service
32 organizations and insurance companies and agencies.

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

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

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

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

7 Sec. ~~23~~. 22. K.S.A. 74-7032 is hereby amended to read as follows:
8 74-7032. The provisions of ~~this act~~ *K.S.A. 74-7001 et seq., and*
9 *amendments thereto*, requiring licensure or the issuance of a certificate of
10 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
11 the practice of landscape architecture shall not be construed to prevent or
12 to affect:

13 (a) The right of any individual to engage in the occupation of growing
14 and marketing nursery stock ~~or~~, to use the title nurseryman, landscape
15 nurseryman or gardener, or to prohibit any individual to plan or plant such
16 individual's own property.

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

19 (c) The practice of site development planning, in accordance with the
20 practice of architecture, ~~or the practice of engineering.~~

21 (d) ***The performance of those services described in subsection (k)(1)***
22 ***of K.S.A. 74-7003, and amendments thereto, by a licensed professional***
23 ***engineer, except that no licensed professional engineer shall perform the***
24 ***following plans; (1) Planting plans; or (2) the determination of proper***
25 ***land use as it pertains to natural features; ground cover, use,***
26 ***nomenclature and arrangement of plant material adapted to soils and***
27 ***climate.***

28 Sec. ~~24~~. 23. K.S.A. 74-7033 is hereby amended to read as follows:
29 74-7033. The provisions of ~~this act~~ *K.S.A. 74-7001 et seq., and*
30 *amendments thereto*, requiring licensure or the issuance of a certificate of
31 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
32 the practice of engineering shall not be construed to prevent or to affect:

33 (a) Except as provided by subsection (b), the design or erection of
34 any structure or work by a person who owns the structure or work, upon
35 such person's own premises for such person's own use if the structure or
36 work is not to be used for human habitation, is not to serve as a place of
37 employment, and is not to be open to the public for any purpose
38 whatsoever.

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

43 (c) Persons engaged in planning, drafting and designing of products

1 manufactured for resale to the public.

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

5 ~~Sec. 25. 24.~~ K.S.A.-2012 **2013** Supp. 74-7034 is hereby amended to
6 read as follows: 74-7034. 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 ~~land~~ surveying shall not be construed to prevent or to affect:

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

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

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

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

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

28 New Sec.-26- **25.** The provisions of K.S.A. 74-7001 et seq., and
29 amendments thereto, requiring licensure or the issuance of a certificate of
30 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
31 the practice of geology shall not be construed to prevent or to affect:

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

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

37 (c) The acquisition of engineering data, geologic data for engineering
38 purposes and the utilization of such data by licensed professional
39 engineers.

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

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

1 Sec. ~~27.~~ **26.** K.S.A. 74-7035 is hereby amended to read as follows:
2 74-7035. The provisions of ~~this act~~ *K.S.A. 74-7001 et seq., and*
3 *amendments thereto*, shall not apply to:

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

10 (b) ~~the practice of persons who are not residents of and have not~~
11 ~~established a place of business in this state, who are acting as consulting~~
12 ~~associates of persons licensed under the provisions of this act and who are~~
13 ~~legally qualified for such professional service in such persons' own state or~~
14 ~~country;~~

15 (c) ~~the practice~~ *work* of any person who is exclusively and regularly
16 employed by ~~one~~ *a single* employer ~~only~~, ~~the~~ *provided, such* employer is
17 not ~~being~~ an engineering, architectural ~~or land~~, surveying, *landscape*
18 *architectural or geology* firm, and ~~the employer is not being~~ primarily
19 engaged in the business of conveying an interest in real property, ~~in~~ *and*
20 *also provided, such work is performed under* an employer-employee
21 relationship, ~~in~~ *and* making surveys of land and determinations of physical
22 property rights *is performed solely* in connection ~~only~~ with the affairs of
23 such employer or its subsidiaries and affiliates and *solely* for the uses,
24 purposes and benefit of such employer, subsidiaries and affiliates, ~~only~~;

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

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

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

39 Sec. ~~28.~~ **27.** K.S.A. ~~2012~~ **2013** Supp. 74-7036 is hereby amended to
40 read as follows: 74-7036. (a) Notwithstanding any other provision of law,
41 a business entity ~~may be~~ organized for the practice of one or more of the
42 technical professions ~~if shall obtain a certificate of authorization pursuant~~
43 ~~to this section prior to doing business in this state. To obtain a certificate~~

1 *of authorization a business entity must meet the following:*

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

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

11 ~~(3) such business entity has been issued a certificate of authorization~~
12 ~~by the board each separate office or place of business established in this~~
13 ~~state by the business entity has a licensed professional who is regularly~~
14 ~~supervising the work of an office or place of business and has responsible~~
15 ~~charge of each respective technical professional practicing in the office.~~
16 ~~This requirement shall not apply to offices or places of business~~
17 ~~established to provide construction administration services only.~~

18 (b) A business entity ~~may~~ shall apply to the board for a certificate of
19 authorization, upon a form prescribed by the board, listing the names and
20 addresses of all principals licensed to practice the technical profession and
21 such other information as may be required by the board. The application
22 for a certificate of authorization shall be accompanied by an application
23 fee fixed by the board under K.S.A. 74-7009, and amendments thereto.
24 ~~Except as provided in subsection (e),~~ The certificate of authorization shall
25 be renewed biennially. The biennial renewal fee fixed by the board under
26 K.S.A. 74-7009, and amendments thereto, shall be accompanied by a form
27 prescribed by the board providing current information. In the event of a
28 change of any principal, such change shall be provided to the board within
29 30 days after the effective date of such change.

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

34 (d) No business entity issued a certificate of authorization under this
35 section shall be relieved of responsibility for the conduct or acts of its
36 agents, employees or principals by reason of its compliance with the
37 provisions of this section, nor shall any individual practicing a technical
38 profession be relieved of responsibility and liability for services performed
39 by reason of employment or relationship with such business entity. The
40 requirements of this section shall not affect a business entity and its
41 employees in performing services included within the term "technical
42 professions" solely for the benefit of such business entity or subsidiary or
43 affiliated business entities. Nothing in this section shall exempt any

1 business entity from the provisions of any other law applicable thereto.

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

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

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

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

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

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

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

19 ~~Sec. 29. 28.~~ K.S.A. 74-7038 is hereby amended to read as follows:
20 74-7038. A public official charged with the enforcement of any state,
21 county or municipal building code shall not accept or approve any
22 technical submissions involving the practice of the technical professions
23 unless the technical submissions have been stamped with the technical
24 professional's seal, *signed and dated* as required by ~~this act~~ *K.S.A. 74-7001*
25 ~~et seq., and amendments thereto~~, or unless the applicant has certified on
26 the technical submission to the applicability of a specific exception
27 provided for in K.S.A. 74-7035, and amendments thereto, permitting the
28 preparation of the technical submissions by a person not licensed under
29 ~~this act~~ *K.S.A. 74-7001 et seq., and amendments thereto*. A building
30 permit issued with respect to technical submissions which does not
31 conform to the requirements of ~~this act~~ *K.S.A. 74-7001 et seq., and*
32 ~~amendments thereto~~, is invalid. The acceptance or approval of technical
33 submissions or the issuance of a building permit by a public official
34 engaged in building inspection responsibilities, contrary to the provisions
35 of ~~this act~~ *K.S.A. 74-7001 et seq., and amendments thereto*, shall not create
36 liability upon the public official or the official's governmental agency.

37 ~~Sec. 30. 29.~~ K.S.A. 74-7039 is hereby amended to read as follows:
38 74-7039. (a) The ~~state board of technical professions~~, in addition to any
39 other penalty prescribed under ~~the act governing the technical professions~~
40 *K.S.A. 74-7001 et seq., and amendments thereto*, may assess civil fines ~~and~~
41 ~~costs, including attorney fees~~, after proper notice and an opportunity to be
42 heard, against any person or entity for a violation of the statutes, rules and
43 regulations or orders enforceable by the board in an amount not to exceed

1 \$5,000 for the first violation, \$10,000 for the second violation and \$15,000
2 for the third violation and for each subsequent violation. All civil fines
3 assessed and collected under this section shall be remitted to the state
4 treasurer in accordance with the provisions of K.S.A. 75-4215, and
5 amendments thereto. Upon receipt of each such remittance, the state
6 treasurer shall deposit the entire amount in the state treasury to the credit
7 of the state general fund. ~~All costs assessed under this section shall be~~
8 ~~remitted to the state treasurer in accordance with the provisions of K.S.A.~~
9 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~
10 ~~the state treasurer shall deposit the entire amount in the state treasury to~~
11 ~~the credit of the technical professions fee fund.~~

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

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

- 22 (1) Willfulness of the violation;
23 (2) repetitions of the violation; and
24 (3) magnitude of the risk of harm *to the health, safety, property and*
25 *welfare of the public* caused by the violation.

26 ~~Sec. 31. 30.~~ K.S.A. 74-7040 is hereby amended to read as follows:
27 74-7040. Any person licensed to practice the technical professions in the
28 state of Kansas at the time this act takes effect shall thereafter continue to
29 possess the same rights and privileges with respect to the practice of the
30 technical profession for which such person is licensed, *in accordance with*
31 *the current definition of the practice of such technical profession*, without
32 being required to obtain a new license under the provisions of this act,
33 subject to the power of the board as provided in this act to suspend or
34 revoke the license of any such person for any of the causes set forth in
35 K.S.A. 74-7026, and amendments thereto, and subject to the power of the
36 board to require any such person to renew such license as provided in
37 K.S.A. 74-7025, and amendments thereto.

38 ~~Sec. 32. 31.~~ K.S.A. ~~2012~~ **2013** Supp. 74-7046 is hereby amended to
39 read as follows: 74-7046. (a) A ~~land~~ *professional* surveyor, licensed
40 pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and
41 amendments thereto, and such *professional* surveyor's authorized agents
42 and employees may enter upon lands, waters and premises of a party who
43 has not requested the survey when it is necessary for the purpose of

1 making a survey. If the licensed *professional* surveyor has made a
2 reasonable attempt to notify the person in possession, such entry shall not
3 be deemed a trespass. Upon notice, such person in possession has the right
4 to modify the time and other provisions of the *professional* surveyor's
5 access upon notification to the surveyor, as long as such modifications do
6 not unreasonably restrict completion of the survey. Nothing herein shall
7 change the status of the licensed *professional* surveyor as an occupier of
8 land.

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

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

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

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

22 (2) give the licensed *professional* surveyor or such *professional*
23 surveyor's authorized agents and employees the authority to enter any
24 building or structure used as a residence or for storage; and

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

28 ~~New Sec. 33.~~ **32.** (a) Any person who furnishes, in good faith and
29 without malicious intent, information concerning an applicant for
30 licensure, a licensee or a holder of a certificate of authorization shall be
31 immune from any civil action for furnishing such information.

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

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

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

1 Sec. ~~34.~~ **33.** K.S.A. ~~2012~~ **2013** Supp. 74-99b16 is hereby amended to
2 read as follows: 74-99b16. (a) As used in this section, unless the context
3 expressly provides otherwise:

4 (1) "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 of air conditioning,
7 ventilating, heating and other mechanical building systems, testing and
8 consultant services that are determined by the bioscience authority to be
9 required for a project;

10 (2) "architectural services" means those services described by
11 ~~subsection (c) of~~ *as the "practice of architecture," as defined in K.S.A. 74-*
12 *7003, and amendments thereto;*

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

15 (4) "construction management at-risk services" means the services
16 provided by a firm which has entered into a contract with the bioscience
17 authority to be the construction manager at risk 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 a project and to enter into the trade contracts for a project
22 with the lowest responsible bidder therefor, and may include, but are not
23 limited to, such services as scheduling, value analysis, systems analysis,
24 constructability reviews, progress document reviews, subcontractor
25 involvement and prequalification, subcontractor bonding policy, budgeting
26 and price guarantees, and construction coordination;

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

29 (6) "engineering services" means those services described by
30 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
31 *7003, and amendments thereto;*

32 (7) "firm" means: (A) With respect to architectural services, an
33 individual, firm, partnership, corporation, association or other legal entity
34 which is: (i) Permitted by law to practice the profession of architecture;
35 and (ii) maintaining an office in Kansas staffed by one or more architects
36 who are licensed by the board of technical professions; or (iii) not
37 maintaining an office in Kansas, but which is qualified to perform special
38 architectural services that are required in special cases where in the
39 judgment of the bioscience authority it is necessary to go outside the state
40 to obtain such services; (B) with respect to engineering services or land
41 surveying, an individual, firm, partnership, corporation, association or
42 other legal entity permitted by law to practice the profession of
43 engineering and provide engineering services or practice the profession of

1 land surveying and provide land surveying services, respectively; (C) with
2 respect to construction management at-risk services, a qualified individual,
3 firm, partnership, corporation, association or other legal entity permitted
4 by law to perform construction management at-risk services; (D) with
5 respect to ancillary technical services or other services that are determined
6 by the bioscience authority to be required for a project, a qualified
7 individual, firm, partnership, corporation, association or other legal entity
8 permitted by law to practice the required profession or perform the other
9 required services, as determined by the bioscience authority; and (E) with
10 respect to construction services, a qualified individual, firm, partnership,
11 corporation, association, or other legal entity permitted by law to perform
12 construction services for a project;

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

16 (9) "negotiating committee" means the board of directors of the
17 subsidiary corporation formed under K.S.A. ~~2012~~ **2013** Supp. 76-781, and
18 amendments thereto, except that for the period of May 1, 2008, through
19 May 1, 2009, the term shall have the meaning set forth in subsection (b) of
20 K.S.A. 75-1251, and amendments thereto;

21 (10) "project" means a project undertaken by the Kansas bioscience
22 authority;

23 (11) "project services" means architectural services, engineering
24 services, land surveying, construction management at-risk services,
25 construction services, ancillary technical services or other construction-
26 related services determined by the bioscience authority to be required for a
27 project; and

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

30 (b) The bioscience authority, when acting under authority of this act,
31 and each project authorized by the bioscience authority under this act are
32 exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-
33 3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto,
34 except as otherwise specifically provided by this act.

35 (c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-
36 3744, and amendments thereto, or the provisions of any other statute to the
37 contrary, all contracts for any supplies, materials or equipment for a
38 project authorized by the bioscience authority under this act, shall be
39 entered into in accordance with procurement procedures determined by the
40 bioscience authority, subject to the provisions of this section, except that,
41 in the discretion of the bioscience authority, any such contract may be
42 entered into in the manner provided in and subject to the provisions of any
43 such statute otherwise applicable thereto. Notwithstanding the provisions

1 of K.S.A. 75-3738 through 75-3744, and amendments thereto, if the
2 bioscience authority does not obtain construction management at-risk
3 services for a project, the construction services for such project shall be
4 obtained pursuant to competitive bids and all contracts for construction
5 services for such project shall be awarded to the lowest responsible bidder
6 in accordance with procurement procedures determined and administered
7 by the bioscience authority which shall be consistent with the provisions of
8 K.S.A. 75-3738 through 75-3744, and amendments thereto.

9 (d) When it is necessary in the judgment of the bioscience authority
10 to obtain project services for a particular project by conducting
11 negotiations therefor, the bioscience authority shall publish a notice of the
12 commencement of negotiations for the required project services at least 15
13 days prior to the commencement of such negotiations in the Kansas
14 register in accordance with K.S.A. 75-430a, and amendments thereto, and
15 in such other appropriate manner as may be determined by the bioscience
16 authority.

17 (e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-
18 1251, and amendments thereto, or the provisions of any other statute to the
19 contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments
20 thereto, with respect to the procurement of architectural services for a
21 project authorized by the bioscience authority under this act, "negotiating
22 committee" shall mean the board of directors of the subsidiary corporation
23 formed under K.S.A. ~~2012~~ **2013** Supp. 76-781, and amendments thereto,
24 and such board of directors shall negotiate a contract with a firm to
25 provide any required architectural services for the project in accordance
26 with the provisions of K.S.A. 75-1250 through 75-1270, and amendments
27 thereto, except that no limitation on the fees for architectural services for
28 the project shall apply to the fees negotiated by the board of directors for
29 such architectural services, except that for the period of May 1, 2008,
30 through May 1, 2009, the "negotiating committee" shall have the meaning
31 set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto,
32 and the board of directors of the subsidiary corporation formed under
33 K.S.A. ~~2012~~ **2013** Supp. 76-781, and amendments thereto, shall have no
34 role in the procurement of architectural services for a project.

35 (2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-
36 5802, and amendments thereto, or the provisions of any other statute to the
37 contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments
38 thereto, with respect to the procurement of engineering services or land
39 surveying services for a project authorized by the bioscience authority
40 under this act, "negotiating committee" shall mean the board of directors
41 of the subsidiary corporation formed under K.S.A. ~~2012~~ **2013** Supp. 76-
42 781, and amendments thereto, and such board of directors shall negotiate a
43 contract with a firm to provide any required engineering services or land

1 surveying services for the project in accordance with the provisions of
2 K.S.A. 75-5801 through 75-5807, and amendments thereto, except that for
3 the period of May 1, 2008, through May 1, 2009, the "negotiating
4 committee" shall have the meaning set forth in subsection (b) of K.S.A.
5 75-1251, and amendments thereto, and the board of directors of the
6 subsidiary corporation formed under K.S.A. ~~2012~~ **2013** Supp. 76-781, and
7 amendments thereto, shall have no role in the procurement of engineering
8 services or land surveying services for a project.

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

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

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

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

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

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

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

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

1 construction services for the project and make a public announcement of
2 each firm selected in accordance with this subsection.

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

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

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

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

42 (l) (1) The bioscience authority shall issue monthly reports of
43 progress on each project and shall advise and consult with the joint

1 committee on state building construction regarding each project. Change
2 orders and changes of plans for a project shall be authorized or approved
3 by the bioscience authority.

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

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

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

41 (m) The provisions of this section shall apply to each project
42 authorized by the bioscience authority under this act and shall not apply to
43 any other capital improvement project of the bioscience authority or

1 bioscience research institution that is specifically authorized by any other
2 statute.

3 Sec. ~~35.~~ **34.** K.S.A. ~~2012~~ **2013** Supp. 75-1251 is hereby amended to
4 read as follows: 75-1251. As used in K.S.A. 75-1250 through 75-1267, and
5 amendments thereto, unless the context otherwise requires, the following
6 terms shall be defined as follows:

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

10 (b) "Negotiating committee" means a committee to negotiate as
11 provided in this act, and consisting of the following members: (1) The
12 head of the state agency for which the proposed project is planned or of
13 the state agency that controls and supervises the operation and
14 management of the institution for which the proposed project is planned, if
15 such is the case, or a person designated by the head of the agency; (2) the
16 head of the institution for which the proposed project is planned, or a
17 person designated by the head of the institution. When the proposed
18 project is not planned for an institution, the state agency head shall
19 designate a second person in lieu of the head of an institution; and (3) the
20 secretary of administration, or a person designated by the secretary, who
21 shall act as chairperson of the committee.

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

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

27 (3) interior design services.

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

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

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

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

39 (h) "Land surveying" means those services ~~prescribed in subsection~~
40 ~~(k) of~~ *described as "professional surveying,"* as defined in K.S.A. 74-
41 7003, and amendments thereto, as related to building construction defined
42 in this section.

43 (i) "Agency head" means the chief administrative officer of a state

1 agency, as the term is defined in subsection (3) of K.S.A. 75-3701, and
2 amendments thereto, but shall not include the chief administrative officer
3 of any state institution.

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

10 Sec. ~~36.~~ **35.** K.S.A. ~~2012~~ **2013** Supp. 75-37,142 is hereby amended to
11 read as follows: 75-37,142. As used in the Kansas alternative project
12 delivery construction procurement act, unless the context expressly
13 provides otherwise:

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

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

19 (c) "Alternative project delivery" means an integrated comprehensive
20 building design and construction process, including all procedures, actions,
21 sequences of events, contractual relations, obligations, interrelations and
22 various forms of agreement all aimed at the successful completion of the
23 design and construction of buildings and other structures whereby a
24 construction manager or general contractor or building design-build team
25 is selected based on a qualifications and best value approach.

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

31 (e) "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 (f) "Best value selection" means a selection based upon project cost,
35 qualifications and other factors.

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

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

43 (i) "Building design-build contract" means a contract between the

1 agency and a design-builder to furnish the architecture or engineering and
2 related design services required for a given public facilities construction
3 project and to furnish the labor, materials and other construction services
4 for such public project.

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

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

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

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

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

39 (o) "Design criteria consultant" means a person, corporation,
40 partnership, or other legal entity duly registered and authorized to practice
41 architecture or professional engineering in this state pursuant to K.S.A. 74-
42 7003, and amendments thereto, and who is employed by contract to the
43 agency to provide professional design and administrative services in

1 connection with the preparation of the design criteria package.

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

6 (q) "Director" means the director of the division of facilities
7 management.

8 (r) "Division of facilities management" means the division of
9 facilities management of the department of administration.

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

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

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

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

22 (w) "Preconstruction services" means a series of services that can
23 include, but are not necessarily limited to: Design review, scheduling, cost
24 control, value engineering, constructability evaluation, and preparation and
25 coordination of bid packages.

26 (x) "Project services" means architectural, engineering services, land
27 surveying, construction management at-risk services, ancillary technical
28 services or other construction-related services determined by the agency to
29 be required by the project.

30 (y) "Public construction project" means the process of designing,
31 constructing, reconstructing, altering or renovating a public building or
32 other structure. Public construction project does not include the process of
33 designing, constructing, altering or repairing a public highway, road,
34 bridge, dam, turnpike or related structure.

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

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

40 ~~Sec. 37.~~ **36.** K.S.A. 75-5802 is hereby amended to read as follows:
41 75-5802. As used in this act unless the context specifically requires
42 otherwise:

43 (a) "Firm" means any individual, firm, partnership, corporation,

1 association, or other legal entity permitted by law to practice the
2 profession of engineering and provide engineering services or practice the
3 profession of land surveying and provide land surveying services.

4 (b) "Engineering services" means those services described ~~in~~
5 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
6 *7003, and amendments thereto.*

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

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

14 (e) "Negotiating committee" means a committee designated to
15 negotiate as provided in this act, and consisting of: (1) The agency head of
16 the state agency for which the proposed project is planned, or a person
17 designated by such agency head; (2) the secretary of administration, or a
18 person designated by ~~said~~ *such* secretary; and (3) the chief administrative
19 officer of the state institution for which the proposed project is planned, or
20 when the proposed project is not planned for a state institution, the agency
21 head shall designate a second person in lieu of the chief administrative
22 officer of a state institution.

23 (f) "Project" means any capital improvement project or any study,
24 plan, survey or program activity of a state agency, including development
25 of new or existing programs and preparation of federal grant applications.

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

29 ~~Sec. 38. 37.~~ K.S.A. ~~2012~~ **2013** Supp. 76-786 is hereby amended to
30 read as follows: 76-786. (a) As used in this section, unless the context
31 expressly provides otherwise:

32 (1) "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 of air conditioning,
35 ventilating, heating and other mechanical building systems, testing and
36 consultant services that are determined by the board of regents to be
37 required for a project;

38 (2) "architectural services" means those services described ~~by~~
39 ~~subsection (e) of~~ *as the "practice of architecture," as defined in K.S.A. 74-*
40 *7003, and amendments thereto;*

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

43 (4) "construction management at-risk services" means the services

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

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

14 (6) "engineering services" means those services described by
15 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
16 *7003, and amendments thereto;*

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

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

1 (9) "negotiating committee" means the board of directors of the
2 subsidiary corporation formed under K.S.A. ~~2012~~ **2013** Supp. 76-781, and
3 amendments thereto;

4 (10) "project" means: (A) The project for the KSU food safety and
5 security research facility; (B) the project for the KUMC biomedical
6 research facility; (C) the project for the WSU engineering complex
7 expansion and research laboratory; or (D) the project for the acquisition
8 and installation of equipment for the KU biosciences research building,
9 which are funded from the proceeds of the bonds authorized to be issued
10 under K.S.A. ~~2012~~ **2013** Supp. 76-783, and amendments thereto, within
11 the limitation of \$120,000,000, in the aggregate, plus all amounts required
12 for costs of any bond issuance, costs of interest on any bond issued or
13 obtained for such scientific research and development facilities and any
14 required reserves for payment of principal and interest on any such bond,
15 and from any moneys received as gifts, grants or otherwise from any
16 public or private nonstate source;

17 (11) "project services" means architectural services, engineering
18 services, land surveying, construction management at-risk services,
19 construction services, ancillary technical services or other construction-
20 related services determined by the board of regents to be required for a
21 project; and

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

24 (b) The board of regents, when acting under authority of this act, and
25 each project authorized by the board of regents under this act are exempt
26 from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-
27 3742 through 75-3744, and 75-3783, and amendments thereto, except as
28 otherwise specifically provided by this act.

29 (c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-
30 3744, and amendments thereto, or the provisions of any other statute to the
31 contrary, all contracts for any supplies, materials or equipment for a
32 project authorized by the board of regents under this act, shall be entered
33 into in accordance with procurement procedures determined by the board
34 of regents, subject to the provisions of this section, except that, in the
35 discretion of the board of regents, any such contract may be entered into in
36 the manner provided in and subject to the provisions of any such statute
37 otherwise applicable thereto. Notwithstanding the provisions of K.S.A. 75-
38 3738 through 75-3744, and amendments thereto, if the board of regents
39 does not obtain construction management at-risk services for a project, the
40 construction services for such project shall be obtained pursuant to
41 competitive bids and all contracts for construction services for such project
42 shall be awarded to the lowest responsible bidder in accordance with
43 procurement procedures determined and administered by the board of

1 regents which shall be consistent with the provisions of K.S.A. 75-3738
2 through 75-3744, and amendments thereto.

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

10 (e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-
11 1251, and amendments thereto, or the provisions of any other statute to the
12 contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments
13 thereto, with respect to the procurement of architectural services for a
14 project authorized by the board of regents under this act, "negotiating
15 committee" shall mean the board of directors of the subsidiary corporation
16 formed under K.S.A. ~~2012~~ **2013** Supp. 76-781, and amendments thereto,
17 and such board of directors shall negotiate a contract with a firm to
18 provide any required architectural services for the project in accordance
19 with the provisions of K.S.A. 75-1250 through 75-1270, and amendments
20 thereto, except that no limitation on the fees for architectural services for
21 the project shall apply to the fees negotiated by the board of directors for
22 such architectural services.

23 (2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-
24 5802, and amendments thereto, or the provisions of any other statute to the
25 contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments
26 thereto, with respect to the procurement of engineering services or land
27 surveying services for a project authorized by the board of regents under
28 this act, "negotiating committee" shall mean the board of directors of the
29 subsidiary corporation formed under K.S.A. ~~2012~~ **2013** Supp. 76-781, and
30 amendments thereto, and such board of directors shall negotiate a contract
31 with a firm to provide any required engineering services or land surveying
32 services for the project in accordance with the provisions of K.S.A. 75-
33 5801 through 75-5807, and amendments thereto.

34 (3) In any case of a conflict between the provisions of this section and
35 the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through
36 75-5807, and amendments thereto, with respect to a project authorized by
37 the board of regents under this act, the provisions of this section shall
38 govern.

39 (f) (1) For the procurement of construction management at-risk
40 services for projects under this act, the secretary of administration shall
41 encourage firms engaged in the performance of construction management
42 at-risk services to submit annually to the secretary of administration and to
43 the state building advisory commission a statement of qualifications and

1 performance data. Each statement shall include data relating to: (A) The
2 firm's capacity and experience, including experience on similar or related
3 projects; (B) the capabilities and other qualifications of the firm's
4 personnel; and (C) performance data of all consultants the firm proposes
5 to use.

6 (2) Whenever the board of regents determines that a construction
7 manager at risk is required for a project under this act, the board of regents
8 shall notify the state building advisory commission and the state building
9 advisory commission shall prepare a list of at least three and not more than
10 five firms which are, in the opinion of the state building advisory
11 commission, qualified to serve as construction manager at risk for the
12 project. Such list shall be submitted to the negotiating committee, without
13 any recommendation of preference or other recommendation. The
14 negotiating committee shall have access to statements of qualifications of
15 and performance data on the firms listed by the state building advisory
16 commission and all information and evaluations regarding such firms
17 gathered and developed by the secretary of administration under K.S.A.
18 75-3783, and amendments thereto.

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

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

37 (g) (1) To assist in the procurement of construction services for
38 projects under this act, the secretary of administration shall encourage
39 firms engaged in the performance of construction services to submit
40 annually to the secretary of administration and to the state building
41 advisory commission a statement of qualifications and performance data.
42 Each statement shall include data relating to: (A) The firm's capacity and
43 experience, including experience on similar or related projects; (B) the

1 capabilities and other qualifications of the firm's personnel; (C)
2 performance data of all subcontractors the firm proposes to use; and (D)
3 such other information related to the qualifications and capability of the
4 firm to perform construction services for projects as may be prescribed by
5 the secretary of administration.

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

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

43 (i) Notwithstanding the provisions of any other statute, the board of

1 regents shall enter into one or more contracts with the division of facilities
2 management for each project for the services performed by the division of
3 facilities management for the project as required by this section or at the
4 request of the board of regents. The division of facilities management shall
5 receive fees from the board of regents to recover the costs incurred to
6 provide such services pursuant to such contracts.

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

16 (k) Each project for a state educational institution shall receive a final
17 joint inspection by the division of facilities management and the board of
18 regents. Each such project shall be officially accepted by the board of
19 regents before such project is occupied or utilized by the state educational
20 institution, unless otherwise agreed to in writing by the contractor and the
21 board of regents as to the satisfactory completion of the work on part of
22 the project that is to be occupied and utilized, including any corrections of
23 the work thereon.

24 (l) (1) The board of regents shall issue monthly reports of progress on
25 each project and shall advise and consult with the joint committee on state
26 building construction regarding each project. Change orders and changes
27 of plans for a project shall be authorized or approved by the board of
28 regents.

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

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

41 (4) If the board of regents determines that it is in the best interest of
42 the state to authorize or approve a change order, a change in plans or a
43 change in the proposed use of any project that the board of regents is

1 required to first advise and consult with the joint committee on state
2 building construction prior to issuing such approval and if no meeting of
3 the joint committee is scheduled to take place within the next 10 business
4 days, then the board of regents may use the procedure authorized by
5 subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of
6 advising and consulting with the joint committee at a meeting. In any such
7 case, the board of regents shall mail a summary description of the
8 proposed change order, change in plans or change in the proposed use of
9 any project to each member of the joint committee on state building
10 construction and to the director of the legislative research department. If
11 the board of regents provides notice and information to the members of the
12 joint committee and to such director in the manner required and subject to
13 the same provisions and conditions that apply to the secretary of
14 administration under such statute, and if less than two members of the joint
15 committee contact the director of the legislative research department
16 within seven business days of the date the summary description was
17 mailed and request a presentation and review of any such proposed change
18 order, change in plans or change in use at a meeting of the joint committee,
19 then the board of regents shall be deemed to have advised and consulted
20 with the joint committee about such proposed change order, change in
21 plans or change in proposed use and may authorize or approve such
22 proposed change order, change in plans or change in proposed use.

23 (m) The provisions of this section shall apply to each project
24 authorized by the board of regents under this act and shall not apply to any
25 other capital improvement project of the board of regents or of any state
26 educational institution that is specifically authorized by any other statute.

27 ~~Sec. 39. 38.~~ K.S.A. ~~2012~~ **2013** Supp. 76-7,126 is hereby amended to
28 read as follows: 76-7,126. As used in this act, unless the context expressly
29 provides otherwise:

30 (a) "State educational institution" or "institution" means Fort Hays
31 state university, Kansas state university of agriculture and applied science,
32 Kansas state university veterinary medical center, Emporia state university,
33 Pittsburg state university, university of Kansas, university of Kansas
34 medical center, Wichita state university and Kansas state university,
35 college of technology at Salina.

36 (b) "Alternative project delivery" means an integrated comprehensive
37 building design and construction process, including all procedures, actions,
38 sequences of events, contractual relations, obligations, interrelations and
39 various forms of agreement all aimed at the successful completion of the
40 design and construction of buildings and other structures whereby a
41 construction manager or general contractor team is selected based on a
42 qualifications and best value approach.

43 (c) "Ancillary technical services" include, but shall not be limited to,

1 geology services and other soil or subsurface investigation and testing
2 services, surveying, adjusting and balancing air conditioning, ventilating,
3 heating and other mechanical building systems and testing and consultant
4 services that are determined by the institution to be required for the
5 project.

6 (d) "Architectural services" means those services described by
7 ~~subsection (e) of~~ *as the "practice of architecture," as defined in K.S.A. 74-*
8 *7003, and amendments thereto.*

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

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

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

16 (g) "Construction project services" means the process of planning,
17 acquiring, building, equipping, altering, repairing, improving, or
18 demolishing any structure or appurtenance thereto, including facilities,
19 utilities or other improvements to any real property, excluding highways,
20 roads, bridges, dams, turnpikes or related structures or stand-alone parking
21 lots.

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

35 (i) "Construction management at-risk contract" means a contract
36 under which an institution acquires from a construction manager or
37 general contractor a series of preconstruction services and an at-risk
38 financial obligation to carry out construction under a specified cost
39 agreement.

40 (j) "Construction manager or general contractor" means any
41 individual, partnership, joint venture, corporation, or other legal entity who
42 is a member of the integrated project team with the institution, design
43 professional and other consultants that may be required for the project,

1 who utilizes skill and knowledge of general contracting to perform
2 preconstruction services and competitively procures and contracts with
3 specialty contractors assuming the responsibility and the risk for
4 construction delivery within a specified cost and schedule terms including
5 a guaranteed maximum price.

6 (k) "Design criteria consultant" means a person, corporation,
7 partnership, or other legal entity duly registered and authorized to practice
8 architecture or professional engineering in this state pursuant to K.S.A. 74-
9 7003, and amendments thereto, and who is employed by contract to the
10 institution to provide professional design and administrative services in
11 connection with the preparation of the design criteria package.

12 (l) "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 (m) "Guaranteed maximum price" means the cost of the work as
16 defined in the contract.

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

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

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

29 (q) (1) "Construction project" or "project" means the process of
30 designing, constructing, reconstructing, altering or renovating a building or
31 other structure.

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

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

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

39 ~~Sec. 40. 39.~~ K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010,
40 ~~74-7016,~~ 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7037, 74-
41 7038, 74-7039, 74-7040, 74-7042 and 75-5802 and K.S.A. ~~2012~~ **2013**
42 Supp. 19-216c, 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021,
43 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-

- 1 7036, 74-7041, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-
- 2 7,126 are hereby repealed.
- 3 Sec. ~~41~~. **40**. This act shall take effect and be in force from and after
- 4 its publication in the statute book.