

As Amended by House Committee

As Further Amended by Senate Committee

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~~
27 ~~subsection (c) 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.

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

4 (f) "Building construction" means furnishing labor, equipment,
5 material or supplies used or consumed for the design, 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, or stand-alone parking lots.

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

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

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

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

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

38 (l) "Construction manager or general contractor" means any
39 individual, partnership, joint venture, corporation or other legal entity who
40 is a member of the integrated project team with the board, design
41 professional and other consultants that may be required for the project,
42 who utilizes skill and knowledge of general contracting to perform
43 preconstruction services and competitively procures and contracts with

1 specialty contractors assuming the responsibility and the risk for
2 construction delivery within a specified cost and schedule terms including
3 a guaranteed maximum price.

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

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

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

18 (p) "Engineering services" means those services described by
19 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
20 *7003, and amendments thereto.*

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

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

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

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

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

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

1 bridge, dam, turnpike or related structure.

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

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

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

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

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

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

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

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

43 (e) "Architectural services" means those services described ~~by~~

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

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

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

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

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

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

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

40 (l) "Cost plus guaranteed maximum price contract" means a cost-
41 plus-a-fee contract with a guaranteed maximum price. This includes the
42 sum of the construction manager's fee, the construction manager's
43 contingency, the construction manager's general conditions, all the

1 subcontracts, plus an estimate for unbid subcontracts. The construction
2 manager agrees to pay for costs that exceed the guaranteed maximum price
3 and are not a result of changes in the contract documents.

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

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

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

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

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

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

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

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

33 Sec. 4. K.S.A. 74-7001 is hereby amended to read as follows: 74-
34 7001. (a) Except as otherwise provided in ~~this act~~ *K.S.A. 74-7001 et seq.,*
35 *and amendments thereto*, it shall be unlawful for any person to practice or
36 to offer to practice in the state of Kansas, any profession included within
37 the term technical professions, as such term is defined in ~~the provisions of~~
38 ~~this act~~ *K.S.A. 74-7003, and amendments thereto*, unless such person has
39 been duly licensed to practice such profession under ~~this act~~ *K.S.A. 74-*
40 *7001 et seq., and amendments thereto*, or holds a certificate of
41 authorization issued under K.S.A. 74-7036, *and amendments thereto*.

42 (b) Any person practicing any technical profession in this state, or
43 calling or representing such person as a licensed practitioner of such

1 technical profession, or using the title of a licensed practitioner of such
2 technical profession shall be required to submit evidence that such person
3 is ~~qualified to practice such technical profession and is~~ duly licensed under
4 ~~this act~~ K.S.A. 74-7001 *et seq.*, and amendments thereto, or holds a
5 certificate of authorization issued under K.S.A. 74-7036, and amendments
6 thereto.

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

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

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

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

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

41 (3) The term "architecture" or "practice of architecture" shall not
42 include those services specifically identified in the definition of "landscape
43 architecture," "professional engineering," "professional geology" and

1 *"professional surveying" except for those services which are included in*
2 *the term "common technical services," as defined in subsection (g).*

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

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

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

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

12 (1) *Representation of clients in connection with contracts entered into*
13 *between clients and others;*

14 (2) *coordination of elements of technical submissions prepared by the*
15 *licensee's consultants;*

16 (3) *administration of contracts for construction;*

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

20 (5) *performing acts of consultation and technical investigation;*

21 (6) *providing expert technical testimony or testimony evaluation;*

22 (7) *providing technical evaluations and research;*

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

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

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

42 ~~(i) "Ethical marketing of professional services" means the solicitation~~
43 ~~or offer by a licensee, either as an individual or on behalf of a business.~~

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

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

15 ~~(g)~~ **(j)** "Landscape architect" means a person who is qualified to
16 engage in the practice of landscape architecture and who is licensed by
17 the board to practice landscape architecture as provided in K.S.A. 74-
18 7001 et seq., and amendments thereto.

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

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

1 subsection (g).

2 (e) ~~(m)~~ (l) "License" means a license to practice the technical
3 professions granted under K.S.A. 74-7001 et seq., and amendments
4 thereto.

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

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

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

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

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

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

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

1 ~~plant material adapted to soils and climate; naturalistic and aesthetic~~
2 ~~values; settings and approaches to structures and other improvements; soil~~
3 ~~conservation erosion control; drainage and grading; and the development~~
4 ~~of outdoor space in accordance with ideals of human use and enjoyment.~~

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

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

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

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

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

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

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

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

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

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

43 ~~(j)~~ ~~(f)~~(s) "Land Professional surveyor" means any person who is

1 engaged in the practice of land surveying *and who is licensed by the board*
2 *to practice surveying* as provided in K.S.A. 74-7001 et seq., and
3 amendments thereto, ~~and who is licensed by the board.~~

4 ~~(k) (s)(t)(1)~~ *"Professional surveying" or "practice of land*
5 *professional surveying" includes:*

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

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

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

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

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

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

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

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

1 (C) locating, relocating, establishing, re-establishing or retracing
2 property lines or boundaries of any tract of land, road, right-of-way or
3 easement;

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

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

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

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

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

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

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

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

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

38 (o) "Practice of geology" means:

39 (1) The performing of professional services such as consultation,
40 investigation, evaluation, planning or mapping, or inspection, or the
41 responsible supervision thereof, in connection with the treatment of the
42 earth and its origin and history, in general; the investigation of the earth's
43 constituent rocks, minerals, solids, fluids including surface and

1 underground waters, gases and other materials; and the study of the natural
2 agents, forces and processes which cause changes in the earth;

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

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

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

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

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

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

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

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

1 for any reason other than the expiration of a term of office, the governor
2 shall appoint a qualified successor to fill the unexpired term. In making the
3 appointment the governor shall give consideration to the list of persons last
4 submitted.

5 Sec. 7. K.S.A. 74-7005 is hereby amended to read as follows: 74-
6 7005. (a) Membership of the board shall be as follows:

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

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

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

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

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

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

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

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

42 Sec. 8. K.S.A. 74-7007 is hereby amended to read as follows: 74-
43 7007. The board shall organize annually at its first meeting subsequent to

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

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

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

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

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

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

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

29 ~~(6) for the renewal of a certificate of authorization pursuant to~~
30 ~~subsection (e) of K.S.A. 74-7036, and amendments thereto, 1/2 of the~~
31 ~~renewal fee required by paragraph (5) of this subsection for the untimely~~
32 ~~renewal of a license or certificate of authorization pursuant to K.S.A. 74-~~
33 ~~7025, and amendments thereto, a late fee of not more than \$200; and~~

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

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

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

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

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

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

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

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

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

42 ~~(e) (d) The board shall adopt rules and regulations prescribing~~
43 ~~minimum standards for boundary surveys, mortgage title inspection,~~

1 *American land title association surveys and such other surveys as*
2 *necessary to control the quality of surveying in the state of Kansas.*

3 ~~Sec. 12. K.S.A. 74-7016 is hereby amended to read as follows: 74-~~
4 ~~7016. (a) The board shall keep a record of its proceedings, and a register of~~
5 ~~all applications for license, which register shall show:-~~

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

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

18 ~~Sec. 13. 12. K.S.A. 74-7019 is hereby amended to read as follows:~~
19 ~~74-7019. Minimum qualifications of applicants seeking licensure as~~
20 ~~architects are the following:~~

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

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

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

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

43 ~~Sec. 15. 14. K.S.A. 2012 2013 Supp. 74-7022 is hereby amended to~~

1 read as follows: 74-7022. (a) Minimum qualifications of applicants
2 seeking licensure as ~~land~~ *professional* surveyors are the following:

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

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

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

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

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

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

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

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

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

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

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

42 (d) Each licensee shall ~~purchase~~ *obtain* a seal of a distinctive design
43 authorized by the board, bearing the licensee's name and number and a

1 uniform inscription formulated by the board. Documents, reports, legal
2 descriptions, records and papers signed by the licensee in the licensee's
3 professional capacity shall be stamped with the seal during the duration of
4 the license, but it shall be unlawful for anyone to stamp any document
5 with the seal after the license has expired or has been revoked, unless the
6 license has been renewed or reissued. No person shall tamper with or
7 revise the seal without express written approval by the board.

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

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

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

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

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

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

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

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

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

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

41 ~~Sec. 20. 19.~~ K.S.A.-2012 **2013** Supp. 74-7026 is hereby amended to
42 read as follows: 74-7026. (a) The board shall have the power to limit,
43 condition, reprimand or otherwise discipline, suspend or revoke the license

1 of any person who has engaged in any of the following conduct:

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

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

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

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

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

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

24 (c) The board, for reasons it may deem sufficient, may reissue a
25 license or certificate of authorization that has been revoked and may
26 remove the suspension of the license or certificate of authorization
27 ~~providing, provided,~~ seven or more members of the board vote in favor of
28 such reissuance or removal of suspension. A new license or certificate of
29 authorization, to replace any revoked or suspended license or certificate of
30 authorization, may be issued, subject to rules and regulations of the board,
31 and a charge of \$100 shall be made for the issuance of such license or
32 \$150 for the issuance of a certificate of authorization.

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

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

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

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

1 (3) falsely impersonate any other practitioner of like or different
2 name;

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

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

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

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

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

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

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

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

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

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

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

42 ~~Sec. 22. 21.~~ K.S.A.-2012 **2013** Supp. 74-7031 is hereby amended to
43 read as follows: 74-7031. The provisions of K.S.A. 74-7001 et seq., and

1 amendments thereto, requiring licensure or the issuance of a certificate of
2 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
3 the practice of architecture shall not be construed to prevent or to affect:

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

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

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

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

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

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

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

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

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

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

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

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

41 ~~(1) "Building" means any structure consisting of foundation, floors,~~
42 ~~walls, columns, girders, beams and roof, or a combination of any number~~
43 ~~of these parts, with or without other parts and appurtenances thereto,~~

1 including the structural, mechanical and electrical systems utility services,
2 and other facilities as may be required for the structure.

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

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

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

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

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

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

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

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

41 (b) Persons designing or erecting or preparing plans, drawings or
42 specifications for ~~one or two family dwellings~~ *buildings housing no more*
43 *than two dwelling units in one contiguous structure* or for agricultural

1 buildings, as defined by K.S.A. 74-7031 and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Sec. ~~27.~~ 26. K.S.A. 74-7035 is hereby amended to read as follows:
4 74-7035. The provisions of ~~this act~~ K.S.A. 74-7001 *et seq.*, and
5 *amendments thereto*, shall not apply to:

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

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

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

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

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

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

41 Sec. ~~28.~~ 27. K.S.A. ~~2012~~ 2013 Supp. 74-7036 is hereby amended to
42 read as follows: 74-7036. (a) Notwithstanding any other provision of law,
43 a business entity may be organized for the practice of one or more of the

1 technical professions ~~if~~ *shall obtain a certificate of authorization pursuant*
2 *to this section prior to doing business in this state. To obtain a certificate*
3 *of authorization a business entity must meet the following:*

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

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

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

20 (b) A business entity ~~may~~ *shall* apply to the board for a certificate of
21 authorization, upon a form prescribed by the board, listing the names and
22 addresses of all principals licensed to practice the technical profession and
23 such other information as may be required by the board. The application
24 for a certificate of authorization shall be accompanied by an application
25 fee fixed by the board under K.S.A. 74-7009, and amendments thereto.
26 ~~Except as provided in subsection (e);~~ The certificate of authorization shall
27 be renewed biennially. The biennial renewal fee fixed by the board under
28 K.S.A. 74-7009, and amendments thereto, shall be accompanied by a form
29 prescribed by the board providing current information. In the event of a
30 change of any principal, such change shall be provided to the board within
31 30 days after the effective date of such change.

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

36 (d) No business entity issued a certificate of authorization under this
37 section shall be relieved of responsibility for the conduct or acts of its
38 agents, employees or principals by reason of its compliance with the
39 provisions of this section, nor shall any individual practicing a technical
40 profession be relieved of responsibility and liability for services performed
41 by reason of employment or relationship with such business entity. The
42 requirements of this section shall not affect a business entity and its
43 employees in performing services included within the term "technical

1 professions" solely for the benefit of such business entity or subsidiary or
2 affiliated business entities. Nothing in this section shall exempt any
3 business entity from the provisions of any other law applicable thereto.

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

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

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

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

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

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

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

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

39 ~~Sec. 30. 29.~~ K.S.A. 74-7039 is hereby amended to read as follows:
40 74-7039. (a) The ~~state board of technical professions~~, in addition to any
41 other penalty prescribed under ~~the act governing the technical professions~~
42 *K.S.A. 74-7001 et seq., and amendments thereto*, may assess civil fines ~~and~~
43 ~~costs, including attorney fees~~, after proper notice and an opportunity to be

1 heard, against any person or entity for a violation of the statutes, rules and
2 regulations or orders enforceable by the board in an amount not to exceed
3 \$5,000 for the first violation, \$10,000 for the second violation and \$15,000
4 for the third violation and for each subsequent violation. All civil fines
5 assessed and collected under this section shall be remitted to the state
6 treasurer in accordance with the provisions of K.S.A. 75-4215, and
7 amendments thereto. Upon receipt of each such remittance, the state
8 treasurer shall deposit the entire amount in the state treasury to the credit
9 of the state general fund. ~~All costs assessed under this section shall be~~
10 ~~remitted to the state treasurer in accordance with the provisions of K.S.A.~~
11 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~
12 ~~the state treasurer shall deposit the entire amount in the state treasury to~~
13 ~~the credit of the technical professions fee fund.~~

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

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

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

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

40 ~~Sec. 32.~~ **31.** K.S.A. ~~2012~~ **2013** Supp. 74-7046 is hereby amended to
41 read as follows: 74-7046. (a) A ~~land~~ *professional* surveyor, licensed
42 pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and
43 amendments thereto, and such *professional* surveyor's authorized agents

1 and employees may enter upon lands, waters and premises of a party who
2 has not requested the survey when it is necessary for the purpose of
3 making a survey. If the licensed *professional* surveyor has made a
4 reasonable attempt to notify the person in possession, such entry shall not
5 be deemed a trespass. Upon notice, such person in possession has the right
6 to modify the time and other provisions of the *professional* surveyor's
7 access upon notification to the surveyor, as long as such modifications do
8 not unreasonably restrict completion of the survey. Nothing herein shall
9 change the status of the licensed *professional* surveyor as an occupier of
10 land.

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

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

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

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

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

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

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

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

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

42 ~~(2) disseminating information concerning an applicant for licensure, a~~
43 ~~licensee or a holder of a certificate of authorization to any other licensing~~

1 ~~board, national association of licensure boards, agency of the federal or~~
2 ~~state government or any law enforcement agency.~~

3 Sec. ~~34.33.~~ **32.** K.S.A. ~~2012~~ **2013** Supp. 74-99b16 is hereby
4 amended to read as follows: 74-99b16. (a) As used in this section, unless
5 the context expressly provides otherwise:

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

12 (2) "architectural services" means those services described by
13 ~~subsection (e) of~~ *as the "practice of architecture," as defined in K.S.A. 74-*
14 *7003, and amendments thereto;*

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

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

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

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

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

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

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

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

23 (10) "project" means a project undertaken by the Kansas bioscience
24 authority;

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

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

32 (b) The bioscience authority, when acting under authority of this act,
33 and each project authorized by the bioscience authority under this act are
34 exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-
35 3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto,
36 except as otherwise specifically provided by this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 authorized by the bioscience authority under this act and shall not apply to
2 any other capital improvement project of the bioscience authority or
3 bioscience research institution that is specifically authorized by any other
4 statute.

5 ~~Sec. 35-34. 33.~~ K.S.A. ~~2012~~ **2013** Supp. 75-1251 is hereby amended
6 to read as follows: 75-1251. As used in K.S.A. 75-1250 through 75-1267,
7 and amendments thereto, unless the context otherwise requires, the
8 following terms shall be defined as follows:

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

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

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

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

29 (3) interior design services.

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

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

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

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

41 (h) "Land surveying" means those services ~~prescribed in subsection~~
42 ~~(k) of~~ *described as "professional surveying,"* as defined in K.S.A. 74-
43 7003, and amendments thereto, as related to building construction defined

1 in this section.

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

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

12 Sec. ~~36-35~~ 34. K.S.A. ~~2012~~ 2013 Supp. 75-37,142 is hereby
13 amended to read as follows: 75-37,142. As used in the Kansas alternative
14 project delivery construction procurement act, unless the context expressly
15 provides otherwise:

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

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

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

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

33 (e) "Architectural services" means those services described by
34 ~~subsection (e) of~~ as the "practice of architecture," as defined in K.S.A. 74-
35 7003, and amendments thereto.

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

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

43 (h) "Building design-build" means a project for which the design and

1 construction services are furnished under one contract.

2 (i) "Building design-build contract" means a contract between the
3 agency and a design-builder to furnish the architecture or engineering and
4 related design services required for a given public facilities construction
5 project and to furnish the labor, materials and other construction services
6 for such public project.

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

12 (k) "Construction management at-risk services" means the services
13 provided by a firm which has entered into a contract with the agency 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 analysis,
21 system analysis, constructability reviews, progress document reviews,
22 subcontractor involvement and prequalification, subcontractor bonding
23 policy, budgeting and price guarantees, and construction coordination.

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

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

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

41 (o) "Design criteria consultant" means a person, corporation,
42 partnership, or other legal entity duly registered and authorized to practice
43 architecture or professional engineering in this state pursuant to K.S.A. 74-

1 7003, and amendments thereto, and who is employed by contract to the
2 agency to provide professional design and administrative services in
3 connection with the preparation of the design criteria package.

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

8 (q) "Director" means the director of the division of facilities
9 management.

10 (r) "Division of facilities management" means the division of
11 facilities management of the department of administration.

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

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

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

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

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

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

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

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

42 ~~Sec. 37-36. 35.~~ K.S.A. 75-5802 is hereby amended to read as
43 follows: 75-5802. As used in this act unless the context specifically

1 requires otherwise:

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

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

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

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

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

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

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

31 ~~Sec. 38-37. 36.~~ K.S.A. ~~2012~~ **2013** Supp. 76-786 is hereby amended
32 to read as follows: 76-786. (a) As used in this section, unless the context
33 expressly provides otherwise:

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

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

43 (3) "construction services" means the work performed by a

1 construction contractor to commence and complete a project;

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

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

16 (6) "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 (7) "firm" means: (A) With respect to architectural services, an
20 individual, firm, partnership, corporation, association or other legal entity
21 which is: (i) Permitted by law to practice the profession of architecture;
22 and (ii) maintaining an office in Kansas staffed by one or more architects
23 who are licensed by the board of technical professions; or (iii) not
24 maintaining an office in Kansas, but which is qualified to perform special
25 architectural services that are required in special cases where in the
26 judgment of the board of regents it is necessary to go outside the state to
27 obtain such services; (B) with respect to engineering services or land
28 surveying, an individual, firm, partnership, corporation, association or
29 other legal entity permitted by law to practice the profession of
30 engineering and provide engineering services or practice the profession of
31 land surveying and provide land surveying services, respectively; (C) with
32 respect to construction management at-risk services, a qualified individual,
33 firm, partnership, corporation, association or other legal entity permitted
34 by law to perform construction management at-risk services; (D) with
35 respect to ancillary technical services or other services that are determined
36 by the board of regents to be required for a project, a qualified individual,
37 firm, partnership, corporation, association or other legal entity permitted
38 by law to practice the required profession or perform the other required
39 services, as determined by the board of regents; and (E) with respect to
40 construction services, a qualified individual, firm, partnership, corporation,
41 association, or other legal entity permitted by law to perform construction
42 services for a project;

43 (8) "land surveying" means those services described ~~in subsection (j)~~

1 of as "professional surveying," as defined in K.S.A. 74-7003, and
2 amendments thereto;

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

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

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

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

26 (b) The board of regents, when acting under authority of this act, and
27 each project authorized by the board of regents under this act are exempt
28 from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-
29 3742 through 75-3744, and 75-3783, and amendments thereto, except as
30 otherwise specifically provided by this act.

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

1 shall be awarded to the lowest responsible bidder in accordance with
2 procurement procedures determined and administered by the board of
3 regents which shall be consistent with the provisions of K.S.A. 75-3738
4 through 75-3744, and amendments thereto.

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

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

25 (2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-
26 5802, and amendments thereto, or the provisions of any other statute to the
27 contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments
28 thereto, with respect to the procurement of engineering services or land
29 surveying services for a project authorized by the board of regents under
30 this act, "negotiating committee" shall mean the board of directors of the
31 subsidiary corporation formed under K.S.A. ~~2012~~ **2013** Supp. 76-781, and
32 amendments thereto, and such board of directors shall negotiate a contract
33 with a firm to provide any required engineering services or land surveying
34 services for the project in accordance with the provisions of K.S.A. 75-
35 5801 through 75-5807, and amendments thereto.

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

41 (f) (1) For the procurement of construction management at-risk
42 services for projects under this act, the secretary of administration shall
43 encourage firms engaged in the performance of construction management

1 at-risk services to submit annually to the secretary of administration and to
2 the state building advisory commission a statement of qualifications and
3 performance data. Each statement shall include data relating to: (A) The
4 firm's capacity and experience, including experience on similar or related
5 projects; (B) the capabilities and other qualifications of the firm's
6 personnel; and (C) performance data of all consultants the firm proposes
7 to use.

8 (2) Whenever the board of regents determines that a construction
9 manager at risk is required for a project under this act, the board of regents
10 shall notify the state building advisory commission and the state building
11 advisory commission shall prepare a list of at least three and not more than
12 five firms which are, in the opinion of the state building advisory
13 commission, qualified to serve as construction manager at risk for the
14 project. Such list shall be submitted to the negotiating committee, without
15 any recommendation of preference or other recommendation. The
16 negotiating committee shall have access to statements of qualifications of
17 and performance data on the firms listed by the state building advisory
18 commission and all information and evaluations regarding such firms
19 gathered and developed by the secretary of administration under K.S.A.
20 75-3783, and amendments thereto.

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

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

39 (g) (1) To assist in the procurement of construction services for
40 projects under this act, the secretary of administration shall encourage
41 firms engaged in the performance of construction services to submit
42 annually to the secretary of administration and to the state building
43 advisory commission a statement of qualifications and performance data.

1 Each statement shall include data relating to: (A) The firm's capacity and
2 experience, including experience on similar or related projects;; (B) the
3 capabilities and other qualifications of the firm's personnel;; (C)
4 performance data of all subcontractors the firm proposes to use;; and (D)
5 such other information related to the qualifications and capability of the
6 firm to perform construction services for projects as may be prescribed by
7 the secretary of administration.

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

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

1 inspection of each project.

2 (i) Notwithstanding the provisions of any other statute, the board of
3 regents shall enter into one or more contracts with the division of facilities
4 management for each project for the services performed by the division of
5 facilities management for the project as required by this section or at the
6 request of the board of regents. The division of facilities management shall
7 receive fees from the board of regents to recover the costs incurred to
8 provide such services pursuant to such contracts.

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

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

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

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

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

43 (4) If the board of regents determines that it is in the best interest of

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

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

29 ~~Sec. 39-38. 37.~~ K.S.A. ~~2012~~ **2013** Supp. 76-7,126 is hereby amended
30 to read as follows: 76-7,126. As used in this act, unless the context
31 expressly provides otherwise:

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

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

1 qualifications and best value approach.

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

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

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

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

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

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

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

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

42 (j) "Construction manager or general contractor" means any
43 individual, partnership, joint venture, corporation, or other legal entity who

1 is a member of the integrated project team with the institution, design
2 professional and other consultants that may be required for the project,
3 who utilizes skill and knowledge of general contracting to perform
4 preconstruction services and competitively procures and contracts with
5 specialty contractors assuming the responsibility and the risk for
6 construction delivery within a specified cost and schedule terms including
7 a guaranteed maximum price.

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

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

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

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

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

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

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

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

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

41 ~~Sec. 40-39.~~ **38.** K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-
42 7010, ~~74-7016,~~ 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7037,
43 74-7038, 74-7039, 74-7040, 74-7042 and 75-5802 and K.S.A. ~~2012~~ **2013**

1 Supp. 19-216c, 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021,
2 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-
3 7036, 74-7041, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-
4 7,126 are hereby repealed.

5 Sec. ~~41-40~~ **39**. This act shall take effect and be in force from and
6 after its publication in the statute book.