

## Substitute for HOUSE BILL No. 2224

By Committee on Federal and State Affairs

3-17

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1 AN ACT concerning technical professions; amending K.S.A. 2014 Supp.  
2 74-7003 and repealing the existing section.

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

5 Section 1. K.S.A. 2014 Supp. 74-7003 is hereby amended to read as  
6 follows: 74-7003. As used in K.S.A. 74-7001 et seq., and amendments  
7 thereto:

8 (a) "Agricultural building" means any structure designed and  
9 constructed to house hay, grain, poultry, livestock or other horticultural  
10 products, or for farm storage of farming implements. Such structure shall  
11 not be a place for human habitation or a place of employment where  
12 agricultural products are processed, treated or packaged, nor shall it be a  
13 building or structure for use by the public.

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

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

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

36 (3) The term "architecture" or "practice of architecture" shall not

1 include those services specifically identified in the definition of "landscape  
2 architecture," "professional engineering," "professional geology" and  
3 "professional surveying" except for those services which are included in  
4 the term "common technical services," as defined in subsection (g).

5 (d) "Board" means the state board of technical professions.

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

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

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

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

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

18 (3) administration of contracts for construction;

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

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

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

24 (7) performing technical evaluations and research;

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

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

30 (10) *preparing and providing drawings, specifications and other*  
31 *technical submissions.*

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

1 management of, or responsibility for, the contractor's construction  
2 activities, means or methods.

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

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

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

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

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

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

41 (n) "Principal" means a person who serves in a business entity as an  
42 officer, member of a board of directors, member of a limited liability  
43 company or partner.

1 (o) "Professional engineer" means a person who is qualified to  
2 engage in the practice of engineering and who is licensed by the board to  
3 practice engineering as provided in K.S.A. 74-7001 et seq., and  
4 amendments thereto.

5 (p) (1) "Professional engineering" or "practice of engineering" means  
6 providing, offering to provide, or holding oneself out as able to provide  
7 professional engineering services, the adequate performance of which  
8 requires engineering education, training and experience in the application  
9 of special knowledge of the mathematical, physical and engineering  
10 sciences, including the following: Common technical services, as defined  
11 in subsection (g); consulting, investigating, evaluating, planning and  
12 designing of engineering works and systems; producing engineering  
13 surveys and studies; and preparing any engineering design features which  
14 embrace such service or work, either public or private, for any utilities,  
15 structures, buildings, machines, equipment, processes, work systems,  
16 projects and industrial or consumer products or equipment of a  
17 mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar  
18 as they involve safeguarding the health, safety, property or welfare of the  
19 public.

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

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

32 (q) "Professional geologist" means a person who is qualified to  
33 engage in the practice of geology and who is licensed by the board to  
34 practice geology as provided in K.S.A. 74-7001 et seq., and amendments  
35 thereto.

36 (r) (1) "Professional geology" or "practice of professional geology"  
37 means the performing of professional geology services including the  
38 following: Common technical services, as defined in subsection (g);  
39 planning or mapping, providing observation, or the responsible  
40 supervision thereof, in connection with the treatment of the earth and its  
41 origin and history, in general; the investigation of the earth's constituent  
42 rocks, minerals, solids, fluids, including surface and underground waters,  
43 gases and other materials; and the study of the natural agents, forces and

1 processes which cause changes in the earth.

2 (2) The term "professional geology" or "practice of professional  
3 geology" shall not include those services specifically identified in the  
4 definition of "architecture," "landscape architecture," "professional  
5 engineering" and "professional surveying" except for those services which  
6 are included in the term "common technical services," as defined in  
7 subsection (g).

8 (s) "Professional surveyor" means any person who is engaged in the  
9 practice of surveying and who is licensed by the board to practice  
10 surveying as provided in K.S.A. 74-7001 et seq., and amendments thereto.

11 (t) (1) "Professional surveying" or "practice of professional  
12 surveying" means providing, or offering to provide, professional surveying  
13 services including the following: Common technical services, as defined in  
14 subsection (g); using such sciences as mathematics, geodesy and  
15 photogrammetry; and involving the making of geometric measurements  
16 and gathering related information pertaining to the physical or legal  
17 features of the earth, improvements on the earth, the space above, on or  
18 below the earth and providing, utilizing or developing the same into  
19 survey products such as graphics, data, maps, plans, reports, descriptions  
20 or projects. Professional surveying services also include planning,  
21 mapping, assembling and interpreting gathered measurements and  
22 information related to any one or more of the following:

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

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

27 (C) locating, relocating, establishing, re-establishing or retracing  
28 property lines or boundaries of any tract of land, road, right-of-way or  
29 easement;

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

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

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

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

43 (H) creating, preparing or modifying electronic, computerized or

1 other data relative to performance of the activities set forth in  
2 subparagraphs (A) through (G).

3 (2) The term "professional surveying" or "practice of professional  
4 surveying" shall not include those services specifically identified in the  
5 definition of "architecture," "landscape architecture," "professional  
6 engineering" and "professional geology" except for those services which  
7 are included in the term "common technical services," as defined in  
8 subsection (g).

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

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

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

21 Sec. 2. K.S.A. 2014 Supp. 74-7003 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its  
23 publication in the statute book.