

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 Supp. 19-216c, 19-1401a, 72-
5 6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-
6 7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-
7 99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the
8 existing sections; also repealing K.S.A. 74-7037 and 74-7042 and
9 K.S.A. 2012 Supp. 74-7041.

10

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

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

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

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

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

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

34 (f) "Building construction" means furnishing labor, equipment,
35 material or supplies used or consumed for the design, construction,

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

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

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

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

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

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

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

42 (m) "Design-builder" means any individual, partnership, joint
43 venture, corporation or other legal entity that furnishes the architectural or

1 engineering services and construction services, whether by itself or
2 through subcontracts.

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

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

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

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

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

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

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

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

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

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

43 Sec. 2. K.S.A. 2012 Supp. 19-1401a is hereby amended to read as

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

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

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

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

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

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

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

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

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

43 (g) "Building construction" means furnishing labor, equipment,

1 material or supplies used or consumed for the design, construction,
2 alteration, renovation, repair or maintenance of a building or structure.
3 Building construction does not include highways, roads, bridges, dams,
4 turnpikes or related structures or stand-alone parking lots.

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

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

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

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

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

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

1 7003, and amendments thereto.

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

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

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

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

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

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

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

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

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

1 *thereto.*

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

5 ~~(a) "Technical professions" includes the professions of engineering,~~
6 ~~land surveying, architecture, landscape architecture and geology as the~~
7 ~~practice of such professions are defined in K.S.A. 74-7001 et seq., and~~
8 ~~amendments thereto. "Agricultural building" means any structure~~
9 ~~designed and constructed to house hay, grain, poultry, livestock or other~~
10 ~~horticultural products, or for farm storage of farming implements. Such~~
11 ~~structure shall not be a place for human habitation or a place of~~
12 ~~employment where agricultural products are processed, treated or~~
13 ~~packaged, nor shall it be a 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 designs, drawings, specifications and other technical submissions; the
30 design of items relating to building code requirements, as such items
31 pertain to architecture; and the preparation of any architectural design
32 features that are required on legal documents and those other professional
33 architectural services as may be necessary for the rendering of services
34 which have the purpose of protecting the health, safety, property and
35 welfare of the public.

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

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

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

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

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

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

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

11 (3) administration of contracts for construction;

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

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

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

17 (7) performing technical evaluations and research;

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

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

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

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

1 ~~licensee who is most qualified to provide the services required. For the~~
2 ~~purpose of this subsection, if an individual who is not a licensee is acting~~
3 ~~on behalf of a business entity, the business entity shall be responsible for~~
4 ~~the actions of the non-licensee.~~

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

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

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

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

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

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

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

10 (2) representation in connection with contracts entered into between
11 clients and others; and

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

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

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

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

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

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

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

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

1 *products or equipment of a mechanical, electrical, hydraulic, pneumatic*
 2 *or thermal nature, insofar as they involve safeguarding the health, safety,*
 3 *property or welfare of the public.*

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

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

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

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

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

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

39 ~~(t)~~ ~~(s)~~(t)(1) *"Professional surveying" or "practice of land*
 40 *professional surveying" includes:*

41 ~~(1)~~ ~~The performance of any professional service, the adequate~~
 42 ~~performance of which involves the application of special knowledge and~~
 43 ~~experience in the principles of mathematics, the related physical and~~

1 applied sciences, the relevant requirements of law and the methods of
2 surveying measurements in measuring and locating of lines, angles,
3 elevation of natural and man-made features in the air, on the surface of the
4 earth, within underground workings and on the bed of bodies of water for
5 the purpose of determining areas, volumes and monumentation of property
6 boundaries;

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

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

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

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

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

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

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

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

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

43 (E) ~~determining, by the use of principles of surveying, the position for~~

1 any survey monument, whether boundary or non-boundary, or reference
2 point and establishing or replacing any such monument or reference point;

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

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

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

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

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

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

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

30 (o) ~~"Practice of geology" means:~~

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

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

42 (3) ~~representation in connection with contracts entered into between
43 clients and others and the preparation and certification of geological~~

1 information in reports and on maps insofar as it involves safeguarding life,
2 health or property.

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

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

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

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

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

40 Sec. 7. K.S.A. 74-7005 is hereby amended to read as follows: 74-
41 7005. (a) Membership of the board shall be as follows:

42 (1) Four members shall have been engaged in the practice of
43 engineering for at least eight years, *which practice shall include*

1 *responsible charge of engineering work*, and shall be *Kansas* licensed
2 *professional* engineers. At least one of such members shall be engaged in
3 private practice as an engineer. At least one of such members ~~shall~~ *may*
4 also be licensed as a ~~land~~ *Kansas professional* surveyor, as well as a
5 *Kansas* licensed *professional* engineer.

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

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

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

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

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

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

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

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

1 for state officers. The oaths provided for herein shall be filed in the office
2 of the secretary of state. The board shall hold an annual meeting and such
3 additional meetings as the board may designate. Seven members of the
4 board shall constitute a quorum for the transaction of business.

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

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

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

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

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

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

21 ~~(6) for the renewal of a certificate of authorization pursuant to~~
22 ~~subsection (e) of K.S.A. 74-7036, and amendments thereto, 1/2 of the~~
23 ~~renewal fee required by paragraph (5) of this subsection for the untimely~~
24 ~~renewal of a license or certificate of authorization pursuant to K.S.A. 74-~~
25 ~~7025, and amendments thereto, a late fee of not more than \$200; and~~

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

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

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

1 Sec. 10. K.S.A. 74-7010 is hereby amended to read as follows: 74-
2 7010. A roster showing the names and places of business of all persons
3 licensed under ~~this act~~ *K.S.A. 74-7001 et seq., and amendments thereto*, or
4 issued a certificate of authorization under K.S.A. 74-7036, and
5 amendments thereto, shall be maintained by the executive director. The
6 roster shall also specify the branch of the technical professions in which
7 each such person is licensed or authorized to practice. Copies of the roster
8 ~~may be placed, at the discretion of the board, on file with the secretary of~~
9 ~~state and with the clerk of each county in this state and shall be furnished~~
10 ~~to such other persons as determined by the board. Copies shall be~~
11 ~~furnished to members of the public upon request. The board may charge~~
12 ~~and collect a fee for copies furnished to members of the public in an~~
13 ~~amount to be fixed by the board and approved by the director of accounts~~
14 ~~and reports under K.S.A. 45-219, and amendments thereto, in order to~~
15 ~~recover the actual costs incurred. All fees collected under this section shall~~
16 ~~be remitted to the state treasurer in accordance with the provisions of~~
17 ~~K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
18 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
19 ~~treasury to the credit of the technical professions fee fund *shall be*~~
20 ~~provided in accordance with the Kansas open records act, K.S.A. 45-215~~
21 ~~et seq., and amendments thereto.~~

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

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

30 ~~(e) *The board may adopt rules and regulations concerning the ethical*~~
31 ~~*marketing of professional services by licensees.*~~

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

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

38 Sec. 12. K.S.A. 74-7016 is hereby amended to read as follows: 74-
39 7016. (a) The board shall keep a record of its proceedings, and a register of
40 all applications for license, which register shall show:

- 41 (1) The name and residence of each applicant;
- 42 (2) the date of the application;
- 43 (3) the place of business of such applicant;

- 1 (4) the applicant's educational and other qualifications;
- 2 (5) whether or not an examination was required;
- 3 (6) the action of the board upon the application;
- 4 (7) the date of the action of the board; and
- 5 (8) such other information as may be deemed necessary by the board.

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

10 Sec. 13. K.S.A. 74-7019 is hereby amended to read as follows: 74-
11 7019. Minimum qualifications of applicants seeking licensure as architects
12 are the following:

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

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

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

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

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

- 38 (1) Proof of ~~land~~ surveying experience and education in accordance
39 with rules and regulations of the board; and
- 40 (2) the satisfactory passage of examinations utilized by the board.
- 41 (b) The board may issue an intern ~~land~~ surveyor certificate to a
42 person who meets the education, experience and examination
43 qualifications prescribed by the board.

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

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

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

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

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

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

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

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

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

43 ~~(e) Any person licensed hereunder may stamp any documents~~

1 submitted to such licensee by any practitioner of a technical profession
2 licensed in another state upon assuming full responsibility for furnishing
3 complete and adequate observation of the work covered by the documents
4 to which the licensee has affixed the seal.

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

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

42 (b) As a condition for obtaining license renewal, the board may
43 require proof of compliance with continuing education requirements

1 established by rules and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (3) falsely impersonate any other practitioner of like or different
35 name;

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

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

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

42 (7) use in connection with such person's name, or otherwise assume,
43 or advertise any title or description intended to convey the impression that

1 such person is a licensed practitioner or holds a certificate of authorization;
2 or

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

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

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

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

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

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

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

32 Sec. 22. K.S.A. 2012 Supp. 74-7031 is hereby amended to read as
33 follows: 74-7031. The provisions of K.S.A. 74-7001 et seq., and
34 amendments thereto, requiring licensure or the issuance of a certificate of
35 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
36 the practice of architecture shall not be construed to prevent or to affect:

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

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

42 (c) Persons furnishing, individually or with subcontractors, labor and
43 materials, with or without plans, drawings, specifications, instruments of

1 service, or other data concerning the labor and materials to be used for any
2 of the following ~~as long as the utilization of the uniform building code or~~
3 ~~life safety code, as currently adopted by the division of architectural~~
4 ~~services of the state of Kansas, provided, compliance with the most recent~~
5 ~~edition of the international building code adopted by the international~~
6 ~~code conference and rules and regulations adopted by the state fire~~
7 ~~marshal, is not required:~~

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

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

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

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

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

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

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

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

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

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

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

42 Sec. 23. K.S.A. 74-7032 is hereby amended to read as follows: 74-
43 7032. The provisions of ~~this act~~ *K.S.A. 74-7001 et seq., and amendments*

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

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

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

10 (c) The practice of site development planning, in accordance with the
11 practice of architecture, or the practice of engineering.

12 Sec. 24. K.S.A. 74-7033 is hereby amended to read as follows: 74-
13 7033. The provisions of ~~this act~~ *K.S.A. 74-7001 et seq., and amendments*
14 *thereto*, requiring licensure or the issuance of a certificate of authorization
15 under K.S.A. 74-7036, and amendments thereto, to engage in the practice
16 of engineering shall not be construed to prevent or to affect:

17 (a) Except as provided by subsection (b), the design or erection of
18 any structure or work by a person who owns the structure or work, upon
19 such person's own premises for such person's own use if the structure or
20 work is not to be used for human habitation, is not to serve as a place of
21 employment, and is not to be open to the public for any purpose
22 whatsoever.

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

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

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

32 Sec. 25. K.S.A. 2012 Supp. 74-7034 is hereby amended to read as
33 follows: 74-7034. The provisions of K.S.A. 74-7001 et seq., and
34 amendments thereto, requiring licensure or the issuance of a certificate of
35 authorization under K.S.A. 74-7036, and amendments thereto, to engage in
36 the practice of ~~land~~ surveying shall not be construed to prevent or to affect:

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

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

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

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

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

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

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

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

21 (c) The acquisition of engineering data, geologic data for engineering
22 purposes and the utilization of such data by licensed professional
23 engineers.

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

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

28 Sec. 27. K.S.A. 74-7035 is hereby amended to read as follows: 74-
29 7035. The provisions of ~~this act~~ K.S.A. 74-7001 et seq., and amendments
30 thereto, shall not apply to:

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

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

42 ~~(c) the practice work of any person who is exclusively and regularly~~
43 ~~employed by one a single employer only, the, provided, such employer is~~

1 not ~~being~~ an engineering, architectural ~~or land~~, surveying, *landscape*
2 *architectural or geology* firm, and ~~the employer is not being~~ primarily
3 engaged in the business of conveying an interest in real property, ~~in~~ *and*
4 *also provided, such work is performed under* an employer-employee
5 relationship, ~~in~~ *and* making surveys of land and determinations of physical
6 property rights *is performed solely* in connection ~~only~~ with the affairs of
7 such employer or its subsidiaries and affiliates and *solely* for the uses,
8 purposes and benefit of such employer, subsidiaries and affiliates, ~~only~~;

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

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

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

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

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

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

38 (3) ~~such business entity has been issued a certificate of authorization~~
39 ~~by the board~~ *each separate office or place of business established in this*
40 *state by the business entity has a licensed professional who is regularly*
41 *supervising the work of an office or place of business and has responsible*
42 *charge of each respective technical professional practicing in the office.*
43 *This requirement shall not apply to offices or places of business*

1 *established to provide construction administration services only.*

2 (b) A business entity ~~may~~ shall apply to the board for a certificate of
3 authorization, upon a form prescribed by the board, listing the names and
4 addresses of all principals licensed to practice the technical profession and
5 such other information as may be required by the board. The application
6 for a certificate of authorization shall be accompanied by an application
7 fee fixed by the board under K.S.A. 74-7009, and amendments thereto.
8 ~~Except as provided in subsection (e),~~ The certificate of authorization shall
9 be renewed biennially. The biennial renewal fee fixed by the board under
10 K.S.A. 74-7009, and amendments thereto, shall be accompanied by a form
11 prescribed by the board providing current information. In the event of a
12 change of any principal, such change shall be provided to the board within
13 30 days after the effective date of such change.

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

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

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

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

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

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

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

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

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

3 Sec. 29. K.S.A. 74-7038 is hereby amended to read as follows: 74-
4 7038. A public official charged with the enforcement of any state, county
5 or municipal building code shall not accept or approve any technical
6 submissions involving the practice of the technical professions unless the
7 technical submissions have been stamped with the technical professional's
8 seal, *signed and dated* as required by ~~this act K.S.A. 74-7001 et seq., and~~
9 ~~amendments thereto~~, or unless the applicant has certified on the technical
10 submission to the applicability of a specific exception provided for in
11 K.S.A. 74-7035, and amendments thereto, permitting the preparation of
12 the technical submissions by a person not licensed under ~~this act K.S.A.~~
13 ~~74-7001 et seq., and amendments thereto~~. A building permit issued with
14 respect to technical submissions which does not conform to the
15 requirements of ~~this act K.S.A. 74-7001 et seq., and amendments thereto~~, is
16 invalid. The acceptance or approval of technical submissions or the
17 issuance of a building permit by a public official engaged in building
18 inspection responsibilities, contrary to the provisions of ~~this act K.S.A. 74-~~
19 ~~7001 et seq., and amendments thereto~~, shall not create liability upon the
20 public official or the official's governmental agency.

21 Sec. 30. K.S.A. 74-7039 is hereby amended to read as follows: 74-
22 7039. (a) ~~The state board of technical professions~~, in addition to any other
23 penalty prescribed under ~~the act governing the technical professions K.S.A.~~
24 ~~74-7001 et seq., and amendments thereto~~, may assess civil fines ~~and costs,~~
25 ~~including attorney fees~~, after proper notice and an opportunity to be heard,
26 against any person or entity for a violation of the statutes, rules and
27 regulations or orders enforceable by the board in an amount not to exceed
28 \$5,000 for the first violation, \$10,000 for the second violation and \$15,000
29 for the third violation and for each subsequent violation. All civil fines
30 assessed and collected under this section shall be remitted to the state
31 treasurer in accordance with the provisions of K.S.A. 75-4215, and
32 amendments thereto. Upon receipt of each such remittance, the state
33 treasurer shall deposit the entire amount in the state treasury to the credit
34 of the state general fund. ~~All costs assessed under this section shall be~~
35 ~~remitted to the state treasurer in accordance with the provisions of K.S.A.~~
36 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~
37 ~~the state treasurer shall deposit the entire amount in the state treasury to~~
38 ~~the credit of the technical professions fee fund.~~

39 (b) *The board may also assess costs, including attorney fees, against*
40 *any person or entity for a violation of the statutes, rules and regulations or*
41 *orders enforceable by the board in addition to any fine imposed. All costs*
42 *assessed under this section shall be remitted to the state treasurer in*
43 *accordance with the provisions of K.S.A. 75-4215, and amendments*

1 *thereto. Upon receipt of each such remittance, the state treasurer shall*
2 *deposit the entire amount in the state treasury to the credit of the technical*
3 *professions fee fund.*

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

6 (1) Willfulness of the violation;

7 (2) repetitions of the violation; and

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

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

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

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

40 (c) Neither the landowner nor the person in possession shall be liable
41 for any injury or damage sustained by a licensed *professional* surveyor or
42 such *professional* surveyor's authorized agents and employees entering
43 upon such land, water or premises under the provisions of this section,

1 except when such damages and injury were willfully or deliberately
2 caused by the landowner or person in possession.

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

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

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

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

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

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

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

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

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

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

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

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

42 (4) "construction management at-risk services" means the services
43 provided by a firm which has entered into a contract with the bioscience

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

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

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

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

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

43 (9) "negotiating committee" means the board of directors of the

1 subsidiary corporation formed under K.S.A. 2012 Supp. 76-781, and
2 amendments thereto, except that for the period of May 1, 2008, through
3 May 1, 2009, the term shall have the meaning set forth in subsection (b) of
4 K.S.A. 75-1251, and amendments thereto;

5 (10) "project" means a project undertaken by the Kansas bioscience
6 authority;

7 (11) "project services" means architectural services, engineering
8 services, land surveying, construction management at-risk services,
9 construction services, ancillary technical services or other construction-
10 related services determined by the bioscience authority to be required for a
11 project; and

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

14 (b) The bioscience authority, when acting under authority of this act,
15 and each project authorized by the bioscience authority under this act are
16 exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-
17 3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto,
18 except as otherwise specifically provided by this act.

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

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

1 (e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-
2 1251, and amendments thereto, or the provisions of any other statute to the
3 contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments
4 thereto, with respect to the procurement of architectural services for a
5 project authorized by the bioscience authority under this act, "negotiating
6 committee" shall mean the board of directors of the subsidiary corporation
7 formed under K.S.A. 2012 Supp. 76-781, and amendments thereto, and
8 such board of directors shall negotiate a contract with a firm to provide
9 any required architectural services for the project in accordance with the
10 provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto,
11 except that no limitation on the fees for architectural services for the
12 project shall apply to the fees negotiated by the board of directors for such
13 architectural services, except that for the period of May 1, 2008, through
14 May 1, 2009, the "negotiating committee" shall have the meaning set forth
15 in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the
16 board of directors of the subsidiary corporation formed under K.S.A. 2012
17 Supp. 76-781, and amendments thereto, shall have no role in the
18 procurement of architectural services for a project.

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

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 bioscience authority 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 bioscience authority determines that a construction
9 manager at risk is required for a project under this act, the bioscience
10 authority shall notify the state building advisory commission and the state
11 building advisory commission shall prepare a list of at least three and not
12 more than five firms which are, in the opinion of the state building
13 advisory commission, qualified to serve as construction manager at risk for
14 the project. Such list shall be submitted to the negotiating committee,
15 without 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 bioscience authority with the firm contracting to
38 perform 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 bioscience authority. Each
11 construction services bid notice shall include the request for bids and other
12 bidding information prepared by the construction manager at risk and the
13 state bioscience authority 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 bioscience authority by the state
17 building 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 bioscience authority
32 or the negotiating committee for a project, including all or part of any
33 project services as requested by the bioscience authority, and: (1) Shall
34 prepare the request for proposals and publication information for each
35 publication of notice under this section, subject to the provisions of this
36 section;; (2) shall prepare each contract for project services for a project,
37 including each contract for construction services for a project;; (3) shall
38 conduct design development reviews for each project;; (4) shall review
39 and approve all construction documents for a project prior to soliciting
40 bids or otherwise soliciting proposals from construction contractors or
41 construction service providers for a project;; (5) shall obtain and maintain
42 copies of construction documents for each project;; and (6) shall conduct
43 periodic inspections of each project, including jointly conducting the final

1 inspection of each project.

2 (i) Notwithstanding the provisions of any other statute, the bioscience
3 authority shall enter into one or more contracts with the division of
4 facilities management for each project for the services performed by the
5 division of facilities management for the project as required by this section
6 or at the request of the bioscience authority. The division of facilities
7 management shall receive fees from the bioscience authority to recover the
8 costs incurred to 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 bioscience research institution shall receive a
19 final joint inspection by the division of facilities management and the
20 bioscience authority. Each such project shall be officially accepted by the
21 bioscience authority before such project is occupied or utilized by the
22 bioscience research institution, unless otherwise agreed to in writing by the
23 contractor and the bioscience authority as to the satisfactory completion of
24 the work on part of the project that is to be occupied and utilized,
25 including any corrections of the work thereon.

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

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 bioscience authority
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 bioscience authority without prior
40 consultation with the joint committee on state building construction. The
41 bioscience authority shall report to the joint committee on state building
42 construction all action relating to such change orders or changes in plans.

43 (4) If the bioscience authority determines that it is in the best interest

1 of 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 bioscience authority 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 bioscience authority 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 bioscience authority 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 bioscience authority provides notice and information to the members
14 of the joint committee and to such director in the manner required and
15 subject to 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 bioscience authority shall be deemed to have advised and
22 consulted with the joint committee about such proposed change order,
23 change in plans or change in proposed use and may authorize or approve
24 such 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 bioscience authority under this act and shall not apply to
27 any other capital improvement project of the bioscience authority or
28 bioscience research institution that is specifically authorized by any other
29 statute.

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

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

37 (b) "Negotiating committee" means a committee to negotiate as
38 provided in this act, and consisting of the following members: (1) The
39 head of the state agency for which the proposed project is planned or of
40 the state agency that controls and supervises the operation and
41 management of the institution for which the proposed project is planned, if
42 such is the case, or a person designated by the head of the agency; (2) the
43 head of the institution for which the proposed project is planned, or a

1 person designated by the head of the institution. When the proposed
2 project is not planned for an institution, the state agency head shall
3 designate a second person in lieu of the head of an institution; and (3) the
4 secretary of administration, or a person designated by the secretary, who
5 shall act as chairperson of the committee.

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

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

11 (3) interior design services.

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

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

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

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

23 (h) "Land surveying" means those services ~~prescribed in subsection~~
24 ~~(k) of~~ *described as "professional surveying," as defined in* K.S.A. 74-
25 7003, and amendments thereto, as related to building construction defined
26 in this section.

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

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

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

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

43 (b) "Agency" means the agency or state educational institution, as

1 defined in K.S.A. 76-756, and amendments thereto, with the authority to
2 award public contracts for building design and construction.

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

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

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

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

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

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

27 (i) "Building design-build contract" means a contract between the
28 agency and a design-builder to furnish the architecture or engineering and
29 related design services required for a given public facilities construction
30 project and to furnish the labor, materials and other construction services
31 for such public project.

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

37 (k) "Construction management at-risk services" means the services
38 provided by a firm which has entered into a contract with the agency to be
39 the construction manager or general contractor for the value and schedule
40 of the contract for a project, which is to hold the trade contracts and
41 execute the work for a project in a manner similar to a general contractor,
42 and which is required to solicit competitive bids for the trade packages
43 developed for the project and to enter into the trade contracts for a project

1 with the lowest responsible bidder therefor. Construction management at-
2 risk services may include, but are not limited to scheduling, value analysis,
3 system analysis, constructability reviews, progress document reviews,
4 subcontractor involvement and prequalification, subcontractor bonding
5 policy, budgeting and price guarantees, and construction coordination.

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

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

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

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

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

33 (q) "Director" means the director of the division of facilities
34 management.

35 (r) "Division of facilities management" means the division of
36 facilities management of the department of administration.

37 (s) "Engineering services" means those services described by
38 ~~subsection (i) of~~ as the "practice of engineering," as defined in K.S.A. 74-
39 7003, and amendments thereto.

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

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

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

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

10 (x) "Project services" means architectural, engineering services, land
11 surveying, construction management at-risk services, ancillary technical
12 services or other construction-related services determined by the agency to
13 be required by the project.

14 (y) "Public construction project" means the process of designing,
15 constructing, reconstructing, altering or renovating a public building or
16 other structure. Public construction project does not include the process of
17 designing, constructing, altering or repairing a public highway, road,
18 bridge, dam, turnpike or related structure.

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

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

24 Sec. 37. K.S.A. 75-5802 is hereby amended to read as follows: 75-
25 5802. As used in this act unless the context specifically requires otherwise:

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

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

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

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

40 (e) "Negotiating committee" means a committee designated to
41 negotiate as provided in this act, and consisting of: (1) The agency head of
42 the state agency for which the proposed project is planned, or a person
43 designated by such agency head;; (2) the secretary of administration, or a

1 person designated by ~~said~~ *such* secretary; and (3) the chief administrative
2 officer of the state institution for which the proposed project is planned, or
3 when the proposed project is not planned for a state institution, the agency
4 head shall designate a second person in lieu of the chief administrative
5 officer of a state institution.

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

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

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

15 (1) "Ancillary technical services" include, but shall not be limited to,
16 geology services and other soil or subsurface investigation and testing
17 services, surveying, adjusting and balancing of air conditioning,
18 ventilating, heating and other mechanical building systems, testing and
19 consultant services that are determined by the board of regents to be
20 required for a project;

21 (2) "architectural services" means those services described by
22 ~~subsection (e) of as the "practice of architecture," as defined in K.S.A. 74-~~
23 7003, and amendments thereto;

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

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

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

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

43 (7) "firm" means: (A) With respect to architectural services, an

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

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

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

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

43 (11) "project services" means architectural services, engineering

1 services, land surveying, construction management at-risk services,
2 construction services, ancillary technical services or other construction-
3 related services determined by the board of regents to be required for a
4 project; and

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

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

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

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

36 (e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-
37 1251, and amendments thereto, or the provisions of any other statute to the
38 contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments
39 thereto, with respect to the procurement of architectural services for a
40 project authorized by the board of regents under this act, "negotiating
41 committee" shall mean the board of directors of the subsidiary corporation
42 formed under K.S.A. 2012 Supp. 76-781, and amendments thereto, and
43 such board of directors shall negotiate a contract with a firm to provide

1 any required architectural services for the project in accordance with the
2 provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto,
3 except that no limitation on the fees for architectural services for the
4 project shall apply to the fees negotiated by the board of directors for such
5 architectural services.

6 (2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-
7 5802, and amendments thereto, or the provisions of any other statute to the
8 contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments
9 thereto, with respect to the procurement of engineering services or land
10 surveying services for a project authorized by the board of regents under
11 this act, "negotiating committee" shall mean the board of directors of the
12 subsidiary corporation formed under K.S.A. 2012 Supp. 76-781, and
13 amendments thereto, and such board of directors shall negotiate a contract
14 with a firm to provide any required engineering services or land surveying
15 services for the project in accordance with the provisions of K.S.A. 75-
16 5801 through 75-5807, and amendments thereto.

17 (3) In any case of a conflict between the provisions of this section and
18 the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through
19 75-5807, and amendments thereto, with respect to a project authorized by
20 the board of regents under this act, the provisions of this section shall
21 govern.

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

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

1 75-3783, and amendments thereto.

2 (3) The negotiating committee shall conduct discussions with each of
3 the firms so listed regarding the project. The negotiating committee shall
4 determine which construction management at-risk services are desired and
5 then shall proceed to negotiate with and attempt to enter into a contract
6 with the firm considered to be most qualified to serve as construction
7 manager at risk for the project. The negotiating committee shall proceed in
8 accordance with the same process with which negotiations are undertaken
9 to contract with a firm to be a project architect under K.S.A. 75-1257, and
10 amendments thereto, to the extent that such provisions can be made to
11 apply. Should the negotiating committee be unable to negotiate a
12 satisfactory contract with the firm considered to be most qualified,
13 negotiations with that firm shall be terminated and shall undertake
14 negotiations with the second most qualified firm, and so forth, in
15 accordance with that statute.

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

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

32 (2) The construction manager at risk shall publish a construction
33 services bid notice in the Kansas register and in such other appropriate
34 manner as may be determined by the board of regents. Each construction
35 services bid notice shall include the request for bids and other bidding
36 information prepared by the construction manager at risk and the state
37 board of regents with the assistance of the division of facilities
38 management. The current statements of qualifications of and performance
39 data on the firms submitting bid proposals shall be made available to the
40 construction manager at risk and the board of regents by the state building
41 advisory commission along with all information and evaluations
42 developed regarding such firms by the secretary of administration under
43 K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid

1 proposal shall be bonded in accordance with K.S.A. 60-1111, and
2 amendments thereto, and shall present evidence of such bond to the
3 construction manager at risk prior to submitting a bid proposal. If a firm
4 submitting a bid proposal fails to present such evidence, such firm shall be
5 deemed unqualified for selection under this subsection. At the time for
6 opening the bids, the construction manager at risk shall evaluate the bids
7 and shall determine the lowest responsible bidder. The construction
8 manager at risk shall enter into contracts with each firm performing the
9 construction services for the project and make a public announcement of
10 each firm selected in accordance with this subsection.

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

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

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

42 (k) Each project for a state educational institution shall receive a final
43 joint inspection by the division of facilities management and the board of

1 regents. Each such project shall be officially accepted by the board of
2 regents before such project is occupied or utilized by the state educational
3 institution, unless otherwise agreed to in writing by the contractor and the
4 board of regents as to the satisfactory completion of the work on part of
5 the project that is to be occupied and utilized, including any corrections of
6 the work thereon.

7 (1) (1) The board of regents shall issue monthly reports of progress on
8 each project and shall advise and consult with the joint committee on state
9 building construction regarding each project. Change orders and changes
10 of plans for a project shall be authorized or approved by the board of
11 regents.

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

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

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

1 order, change in plans or change in use at a meeting of the joint committee,
2 then the board of regents shall be deemed to have advised and consulted
3 with the joint committee about such proposed change order, change in
4 plans or change in proposed use and may authorize or approve such
5 proposed change order, change in plans or change in proposed use.

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

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

13 (a) "State educational institution" or "institution" means Fort Hays
14 state university, Kansas state university of agriculture and applied science,
15 Kansas state university veterinary medical center, Emporia state university,
16 Pittsburg state university, university of Kansas, university of Kansas
17 medical center, Wichita state university and Kansas state university,
18 college of technology at Salina.

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

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

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

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

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

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

42 (g) "Construction project services" means the process of planning,
43 acquiring, building, equipping, altering, repairing, improving, or

1 demolishing any structure or appurtenance thereto, including facilities,
2 utilities or other improvements to any real property, excluding highways,
3 roads, bridges, dams, turnpikes or related structures or stand-alone parking
4 lots.

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

18 (i) "Construction management at-risk contract" means a contract
19 under which an institution acquires from a construction manager or
20 general contractor a series of preconstruction services and an at-risk
21 financial obligation to carry out construction under a specified cost
22 agreement.

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

32 (k) "Design criteria consultant" means a person, corporation,
33 partnership, or other legal entity duly registered and authorized to practice
34 architecture or professional engineering in this state pursuant to K.S.A. 74-
35 7003, and amendments thereto, and who is employed by contract to the
36 institution to provide professional design and administrative services in
37 connection with the preparation of the design criteria package.

38 (l) "Engineering services" means those services described by
39 ~~subsection (i) of~~ *as the "practice of engineering," as defined in K.S.A. 74-*
40 *7003, and amendments thereto.*

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

43 (n) "Non-state moneys" means any funds received by a state

1 educational institution from any source other than the state of Kansas or
2 any agency thereof.

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

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

12 (q) (1) "Construction project" or "project" means the process of
13 designing, constructing, reconstructing, altering or renovating a building or
14 other structure.

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

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

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

22 Sec. 40. K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-
23 7016, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7037, 74-7038,
24 74-7039, 74-7040, 74-7042 and 75-5802 and K.S.A. 2012 Supp. 19-216c,
25 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-
26 7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7041,
27 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 are hereby
28 repealed.

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