

Substitute for HOUSE BILL No. 2224

By Committee on Federal and State Affairs

3-17

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

3
4 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (3) administration of contracts for construction;

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

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

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

24 (7) performing technical evaluations and research;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 processes which cause changes in the earth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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