

## SENATE BILL No. 211

By Committee on Federal and State Affairs

2-11

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1 AN ACT concerning technical professions; relating to scope of practice;  
2 amending K.S.A. 2014 Supp. 74-7003, 74-7031, 74-7032, 74-7033, 74-  
3 7034 and 74-7040 and repealing the existing sections.

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

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

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

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

19 (c) (1) "*Professional architecture*" or "practice of architecture" means  
20 providing, offering to provide or holding oneself out as able to provide  
21 professional architectural services or performing creative work which  
22 requires *qualifications of architectural education, training and practical*  
23 *experience in application of the general knowledge of mathematics,*  
24 *applied physical sciences, principles of architecture and principles of*  
25 *engineering, including architectural engineering as related to*  
26 *architecture*, as may be required in connection with the *planning*, design  
27 and construction, restoration, enlargement or alteration of non-exempt  
28 public or private buildings intended for human habitation, occupancy or  
29 use, *but not limited to such buildings or structures for the principle*  
30 *purpose of human habitation or use, building projects or an integral part*  
31 *or parts of buildings, or other services and instruments of service related*  
32 *to architecture*, and the spaces within and the site surrounding such  
33 buildings.

34 (2) "~~Professional—architectural~~ *architecture*" or "*practice of*  
35 *architecture*" services include the following: Common technical services,  
36 as defined in subsection (g); pre-design and schematic *and preliminary*

1 design; programming; planning; preparing or providing *overall interior*  
2 *and exterior architectural building designs, drawings, specifications and*  
3 *other technical submissions, including coordination of such submissions*  
4 *for elements and features of a technical nature for building project design*  
5 *prepared by the architect or the architect's consultants for architectural*  
6 *and engineering-related building features and system design with those*  
7 *design services of an architectural nature, as well as basic architectural,*  
8 *structural, mechanical and electrical engineering-related services and*  
9 *incidental services that licensees of the architectural profession may*  
10 *logically and justifiably perform when qualified by education, training and*  
11 *experience; the design and coordination of all features, systems and items*  
12 *relating to applicable local, state or federal building code requirements, as*  
13 *such items pertain to the practice of architecture; and the preparation of*  
14 *any technical submissions for architectural practice design features and*  
15 *systems that are required—on legal for construction documents and those*  
16 *other basic professional architectural services as may be necessary for the*  
17 *rendering of professional services which have the purpose of protecting*  
18 *the health, safety, property and welfare of the public.*

19 (3) The term "*professional architecture*" or "*practice of architecture*"  
20 shall not include those *performance of design and practice* services as  
21 specifically identified in the definition of "*professional landscape*  
22 *architecture,*" "*professional engineering,*" "*professional geology*" and  
23 "*professional surveying*" except for: *Those grading and drainage plans,*  
24 *structures and walls for outdoor spaces of sites surrounding such*  
25 *buildings which are also included in the practices of landscape*  
26 *architecture and engineering; performance of only such design work for*  
27 *landscape architecture and engineering-related features and systems*  
28 *which are incidental and necessary to the scope of architectural work*  
29 *being performed and shall not be and include the practices of landscape*  
30 *architecture and engineering as defined; and those services which are*  
31 *included in the term "common technical services," as defined in subsection*  
32 (g).

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

34 (e) "Building" means any permanent structure which is enclosed or  
35 partially enclosed that provides shelter for human habitation, *but not*  
36 *limited to the principle purpose for human habitation or such use as to*  
37 *enclose or shelter equipment or processing items of a mechanical,*  
38 *electrical, industrial product or utility nature. "Building" also means any*  
39 *enclosed or partially enclosed structure for shelter consisting of*  
40 *foundation, footings, slab, floors, mezzanines, balconies, decks, load-*  
41 *bearing and non-load-bearing walls, exterior veneers and finishes,*  
42 *interior partitions, fire separation walls, interior finishes, furnishings,*  
43 *door and window assemblies, columns, girders, beams, CMU bond beams,*

1 *joists, lintels, roof deck, and roof membrane, or a combination of any*  
2 *number of these features, components or items, with or without other*  
3 *components and apprentices thereto, including site work surrounding such*  
4 *building or structure, architectural, structural, mechanical, plumbing,*  
5 *HVAC and electrical work or systems, special electronic systems, fire*  
6 *protection systems, electronic alarm, sprinkler, utility services and other*  
7 *facilities or systems as may be required for a complete structure with*  
8 *sheltering purposes under the jurisdiction of governmental entities for*  
9 *review of technical submissions for sufficiency of compliance with*  
10 *applicable accessibility requirements, local building codes and state*  
11 *statutory laws to safeguard the public.*

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

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

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

20 (2) ~~coordination of elements of~~ *coordination of technical submissions for project*  
21 *elements prepared by others such as the licensee's consultants within the*  
22 *licensee's field of responsibility as the project's "professional in charge";*

23 (3) administration of contracts for construction;

24 (4) observation of construction for general conformance with  
25 requirements of approved construction documents or technical  
26 submissions prepared *or coordinated* by a licensee *or such licensee's*  
27 *consultants*;

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

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

30 (7) performing technical evaluations and research;

31 (8) teaching in a college or university offering an accredited technical  
32 professional curriculum ~~recognized by~~ *under the jurisdiction of the board;*  
33 ~~and~~

34 (9) providing responsible supervision of these services, insofar as  
35 such services involve safeguarding the health, safety, property and welfare  
36 of the public;

37 (10) *preparing and providing design drawings, specifications and*  
38 *other technical submissions as may be required for construction*  
39 *documents, as the prime professional or the prime professional's*  
40 *consultant*;

41 (11) *licensees' performance of design and practice services, including*  
42 *design work as incidental to such technical profession, shall also include*  
43 *the scope of services, practice rights and privileges saved as provided in*

1 K.S.A. 74-7040, and amendments thereto, for licensee's competence as  
2 was and is determined by their qualifications of education, training and  
3 practical experience as defined by the practice of such licensee's  
4 profession when first registered to be licensed and until the time this act  
5 takes effect; and

6 (12) licensees may undertake an assignment outside of their field  
7 of practice as defined, but only to the extent services are restricted to those  
8 phases of a licensee's project in which a licensee is competent with  
9 qualifications of education, training and experience.

10 (h) "Construction administration" means the provision of technical  
11 professional *on site observation or project representation* services during  
12 construction by licensees, or persons under the licensee's responsible  
13 supervision, which act to confirm substantial compliance with the  
14 requirements and provisions of applicable technical documents prepared  
15 by the licensee or under the licensee's responsible supervision. Such  
16 technical professional services include, but are not limited to: Assisting  
17 with bidding or negotiation processes; reviewing and acting upon shop  
18 drawings and other *technical or non-technical* submittals *prepared by*  
19 *others*; providing clarification or interpretation of the licensee's technical  
20 *submittal* documents; evaluating general progress of construction;  
21 observing or evaluating completed construction; and assisting the client in  
22 matters related to the licensee's technical professional expertise.  
23 Construction administration services do not include management *and*  
24 *coordination of the work*, or responsibility for, the contractor's *or sub-*  
25 *contractor's* construction activities, means or methods.

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

31 (j) "*Professional* landscape architect" means a person who is qualified  
32 to engage in the practice *of the field* of landscape architecture and who is  
33 licensed by the board to practice landscape architecture as provided in  
34 K.S.A. 74-7001 et seq., and amendments thereto.

35 (k) (1) "*Professional* landscape architecture" or "practice of landscape  
36 architecture" means performing professional landscape architectural  
37 services including the following: Common technical services, as defined in  
38 subsection (g); consultation, planning, designing or responsible  
39 supervision in connection with the development of land areas for  
40 preservation and enhancement; the development of sustainable designs and  
41 technology; preparation, review and analysis of master plans for land use  
42 and development; production of overall site development and land  
43 enhancement plans, grading and drainage plans, irrigation plans, planting

1 plans and construction details; specifications, cost analysis and reports for  
2 land development; and the designing of land forms and non-habitable  
3 structures for aesthetic and functional purposes, such as pools, walls and  
4 structures for outdoor living spaces, for public and private use. The  
5 practice of landscape architecture also encompasses the determination of  
6 proper land use as it pertains to: Natural features; ground cover, use,  
7 nomenclature and arrangement of plant material adapted to soils and  
8 climate; naturalistic and aesthetic values; settings and approaches to  
9 structures and other improvements; soil conservation; erosion control; and  
10 the development of outdoor space in accordance with ideals of human use  
11 and enjoyment.

12 (2) The term "*professional landscape architecture*" or "*practice of*  
13 *landscape architecture*" shall not include those *performance of design and*  
14 *practice services as specifically identified in the definition of*  
15 *"professional architecture," "professional engineering," "professional*  
16 *geology" and "professional surveying" except for those services which are*  
17 *included in the term "common technical services," as defined in subsection*  
18 *(g); and performance of only such design work for architectural and*  
19 *engineering-related features and systems as are incidental and necessary*  
20 *to the scope of landscape architecture work being performed and shall not*  
21 *be and include the practices of architecture or engineering as defined.*

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

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

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

28 (o) "Professional engineer" means a person who is qualified to engage  
29 in the practice of engineering and who is licensed by the board to practice  
30 *in the fields of civil, architectural, structural, mechanical and electrical*  
31 *engineering as provided in K.S.A. 74-7001 et seq., and amendments*  
32 *thereto.*

33 (p) (1) "Professional engineering" or "practice of engineering" means  
34 providing, offering to provide, or holding oneself out as able to provide  
35 professional engineering services, the adequate performance of which  
36 requires engineering education, training and experience in the application  
37 of special knowledge of the mathematical, physical and engineering  
38 sciences, including the following: Common technical services, as defined  
39 in subsection (g); consulting, investigating, evaluating, planning and  
40 designing of engineering works and systems; producing engineering  
41 surveys and studies; and preparing any engineering design features *or*  
42 *systems, such as, but not limited to, the scope of practice and fields for*  
43 *civil, architectural, structural, mechanical and electrical engineering*

1 which embrace such service or work, either public or private, for any  
2 utilities, *storm water management, fire protection, structures, and*  
3 *buildings, including structure or building design submittals prepared by*  
4 *an engineer as such engineer may be qualified or the engineer's*  
5 *consultants for architectural-related design services, for the principle*  
6 *purpose of enclosing or sheltering machines, equipment, processes, work*  
7 *systems, projects and industrial or consumer products or equipment of a*  
8 *mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as*  
9 *they relate to building code requirements and involve safeguarding the*  
10 *health, safety, property or welfare of the public.*

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

17 (3) The term "professional engineering" or "practice of professional  
18 engineering" shall not include those *performance of design and practice*  
19 *services as specifically identified in the definition of "professional*  
20 *architecture," "professional landscape architecture," "professional*  
21 *geology" and "professional surveying" except for: Performance of such*  
22 *design work for architecture and landscape architecture related features*  
23 *which are incidental and necessary to the scope of engineering work being*  
24 *performed and shall not be and include the practice of architecture or*  
25 *landscape architecture; those design services for development of sites*  
26 *surrounding buildings specifically identified in architecture; those design*  
27 *services for grading and drainage plans, irrigation plans, land forms for*  
28 *pools, walls and structures and erosion control specifically identified in*  
29 *landscape architecture; and those services which are included in the term*  
30 *"common technical services," as defined in subsection (g).*

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

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

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

7 (s) "Professional surveyor" means any person who is engaged in the  
8 practice of surveying and who is licensed by the board to practice *in the*  
9 *field of* surveying as provided in K.S.A. 74-7001 et seq., and amendments  
10 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 for  
35 any survey monument, whether boundary or non-boundary, or reference  
36 point and establishing or replacing any such monument or reference point;

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

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

42 (H) creating, preparing or modifying electronic, computerized or  
43 other data relative to performance of the activities set forth in

1 subparagraphs (A) through (G).

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

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

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

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

20 (x) "*Incidental*" means any part, component, feature or system which  
21 is of minor accompaniment and liable to occur in consequence of or in  
22 connection with the scope of an entire project, including those design  
23 services for such project under the jurisdiction of one or more of the  
24 technical professions.

25 Sec. 2. K.S.A. 2014 Supp. 74-7031 is hereby amended to read as  
26 follows: 74-7031. The provisions of K.S.A. 74-7001 et seq., and  
27 amendments thereto, requiring licensure or the issuance of a certificate of  
28 authorization under K.S.A. 74-7036, and amendments thereto, *or not*  
29 *requiring new licensure under K.S.A. 74-7040, and amendments thereto*, to  
30 engage in the practice of architecture shall not be construed to prevent or  
31 to affect:

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

34 (b) Persons preparing plans, drawings or specifications for buildings  
35 housing no more than two dwelling units in one contiguous structure or for  
36 agricultural buildings.

37 (c) Persons furnishing, individually or with subcontractors, labor and  
38 materials, with or without plans, drawings, specifications, instruments of  
39 service, or other data concerning the labor and materials to be used for any  
40 of the following, provided, compliance with the most recent edition of the  
41 international building code adopted by the international code conference  
42 and rules and regulations adopted by the state fire marshal, is not required:

43 (1) Store fronts or facades, interior alterations or additions, fixtures,



1 cabinet work, furniture, appliances or other equipment;

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

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

7 (A) The structural system of the building, which structural system  
8 includes, but is not limited to, foundations, walls, floors, roofs, footings,  
9 bearing partitions, beams, columns or joists and does not exceed the  
10 structural capacity of the system;

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

12 (C) the required fire ratings of assemblies, fire separation walls or fire  
13 ratings required by building type.

14 (d) Work involving matters of rates, rating and loss prevention by  
15 employees of insurance rating organizations and insurance service  
16 organizations and insurance companies and agencies.

17 (e) The performance of *those services described in K.S.A. 74-7003(c)*  
18 *(1) or (c)(2), and amendments thereto*, by a licensed landscape architect or  
19 business entity issued a certificate of authorization to provide services in  
20 landscape architecture under K.S.A. 74-7036, and amendments thereto, in  
21 connection with landscape and site planning for the sites, approaches or  
22 environment for buildings, structures or facilities.

23 *(f) The performance of those services described in K.S.A. 74-7003(c)*  
24 *(1) and (c)(2), and amendments thereto, by a licensed professional*  
25 *engineer or business entity issued a certificate of authorization to provide*  
26 *services in professional engineering under K.S.A. 74-7036, and*  
27 *amendments thereto, in connection with engineering works and systems*  
28 *for the design of such architectural engineering and engineering-related*  
29 *features and systems for buildings, structures or facilities and site*  
30 *planning and development for sites surrounding buildings, structures or*  
31 *facilities, and such building design for the principle purpose of enclosing*  
32 *or sheltering machines, equipment, processes or processing, work systems,*  
33 *industrial consumer products or equipment of a mechanical, electrical,*  
34 *hydraulic, pneumatic or thermal nature.*

35 Sec. 3. K.S.A. 2014 Supp. 74-7032 is hereby amended to read as  
36 follows: 74-7032. The provisions of K.S.A. 74-7001 et seq., and  
37 amendments thereto, requiring licensure or the issuance of a certificate of  
38 authorization under K.S.A. 74-7036, and amendments thereto, *or not*  
39 *requiring new licensure under K.S.A. 74-7040, and amendments thereto*, to  
40 engage in the practice of landscape architecture shall not be construed to  
41 prevent or to affect:

42 (a) The right of any individual to engage in the occupation of growing  
43 and marketing nursery stock, to use the title nurseryman, landscape

1 nurseryman or gardener, or to prohibit any individual to plan or plant such  
2 individual's own property.

3 (b) The right of *unlicensed nurserymen or licensed technical*  
4 *professionals when competent with or without nurseryman or landscape*  
5 *architect consultants* to engage in preparing and executing planting plans.

6 (c) The practice of site development planning, in accordance with the  
7 practice of *architecture or engineering*.

8 (d) The performance of those services described in ~~subsection (k)(1)~~  
9 ~~of~~ K.S.A. 74-7003(k)(1), and amendments thereto, by a licensed  
10 professional *architect or engineer or business entity issued a certificate of*  
11 *authorization to provide services in professional architecture or*  
12 *engineering under K.S.A. 74-7036, and amendments thereto*, except that  
13 no licensed professional *architect or engineer* shall perform the following  
14 services: (1) Planting plans; or (2) the determination of proper land use as  
15 it pertains to natural features; ground cover, use, nomenclature and  
16 arrangement of plant material adapted to soils and climate.

17 Sec. 4. K.S.A. 2014 Supp. 74-7033 is hereby amended to read as  
18 follows: 74-7033. The provisions of K.S.A. 74-7001 et seq., and  
19 amendments thereto, requiring licensure or the issuance of a certificate of  
20 authorization under K.S.A. 74-7036, and amendments thereto, *or not*  
21 *requiring new licensure under K.S.A. 74-7040, and amendments thereto*, to  
22 engage in the practice of engineering shall not be construed to prevent or  
23 to affect:

24 (a) Except as provided by subsection (b), the design or erection of any  
25 structure or work by a person who owns the structure or work, upon such  
26 person's own premises for such person's own use if the structure or work is  
27 not to be used for human habitation, is not to serve as a place of  
28 employment, and is not to be open to the public for any purpose  
29 whatsoever.

30 (b) Persons designing or erecting or preparing plans, drawings or  
31 specifications for buildings housing no more than two dwelling units in  
32 one contiguous structure or for agricultural buildings.

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

35 (d) The performance of *those services described in K.S.A. 74-7003(p)*  
36 *(1), and amendments thereto*, by a licensed landscape architect *or business*  
37 *entity issued a certificate of authorization to provide services in*  
38 *professional landscape architecture under K.S.A. 74-7036, and*  
39 *amendments thereto*, in connection with landscape and site planning for  
40 the sites, approaches or environment for buildings, structures or facilities.

41 (e) *The performance of those services described in K.S.A. 74-7003(p)*  
42 *(1), and amendments thereto, by a licensed architect or business entity*  
43 *issued a certificate of authorization to practice services in professional*

1 *architecture under K.S.A. 74-7036, and amendments thereto, in connection*  
2 *with engineering-related works and systems for the design of architectural*  
3 *engineering-related features and systems for buildings, structures or*  
4 *facilities; site planning and development for sites surrounding buildings,*  
5 *structures or facilities; and such building design for the intent of human*  
6 *habitation, occupancy or use or for the principle purpose of enclosing or*  
7 *sheltering machines, equipment, processes or processing, work systems,*  
8 *industrial consumer products or equipment of a mechanical, electrical,*  
9 *hydraulic, pneumatic or thermal nature.*

10 Sec. 5. K.S.A. 2014 Supp. 74-7034 is hereby amended to read as  
11 follows: 74-7034. The provisions of K.S.A. 74-7001 et seq., and  
12 amendments thereto, requiring licensure or the issuance of a certificate of  
13 authorization under K.S.A. 74-7036, and amendments thereto, *or not*  
14 *requiring new licensure under K.S.A. 74-7040, and amendments thereto,* to  
15 engage in the practice of surveying shall not be construed to prevent or to  
16 affect:

17 (a) Those surveying activities, which include locating or laying out of  
18 alignments, positions or elevations where such work is part of the  
19 construction of engineering or architectural works, when such activities  
20 are for purposes other than the conveyance of an interest in real property.

21 (b) The practice of surveying by an individual of such individual's  
22 own real property or that of such individual's employer for purposes other  
23 than the conveyance of an interest in such real property.

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

26 (d) The performance of *those services described in K.S.A. 74-7003(t)*  
27 *(1), and amendments thereto,* by a licensed landscape architect or by a  
28 business entity issued a certificate of authorization to provide services in  
29 landscape architecture under K.S.A. 74-7036, and amendments thereto, in  
30 connection with landscape and site planning for the sites, approaches or  
31 environment for buildings, structures or facilities.

32 (e) *The performance of those services described in K.S.A. 74-7003(t)*  
33 *(1), and amendments thereto, by a licensed architect or professional*  
34 *engineer or by a business entity issued a certificate of authorization to*  
35 *provide services in architecture and professional engineering under K.S.A.*  
36 *74-7036, and amendments thereto, in connection with site planning and*  
37 *development design for sites surrounding buildings, structures or*  
38 *facilities.*

39 (e) Mapping by governmental agencies when such activity does not  
40 involve the locating, relocating, or physical establishment of land  
41 boundaries and related monuments or the preparation of original or field  
42 retracement of existing descriptions of real property.

43 Sec. 6. K.S.A. 2014 Supp. 74-7040 is hereby amended to read as

1 follows: 74-7040. Any person *who was or is registered to be* licensed to  
2 practice the technical professions in the state of Kansas at the time this act  
3 takes effect, *including the time since such person was first licensed*, shall  
4 thereafter continue to possess the same rights and privileges, *including*  
5 *those saved previously*, with respect to the practice of the technical  
6 profession for which such person *was and is* licensed, in accordance with  
7 ~~the current definition of~~ *definitions for the saved practice rights and*  
8 *privileges* of such technical profession *since the time such person was first*  
9 *licensed*, without being required to obtain a new license under the  
10 provisions of this act, subject to *applicable court case opinion for*  
11 *interpretation of prior and current statutory laws for practice rights and*  
12 *privileges saved*, and the power of the board as provided in this act to  
13 suspend or revoke the license of any such person for any of the causes set  
14 forth in K.S.A. 74-7026, and amendments thereto, and subject to the  
15 power of the board to require any such person to renew such license as  
16 provided in K.S.A. 74-7025, and amendments thereto.

17 Sec. 7. K.S.A. 2014 Supp. 74-7003, 74-7031, 74-7032, 74-7033, 74-  
18 7034 and 74-7040 are hereby repealed.

19 Sec. 8. This act shall take effect and be in force from and after its  
20 publication in the statute book.