

# LEGISLATIVE NEWSLETTER

ACEC Kansas

No. 4 – February 8, 2013

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Week 4 saw the introduction of several new bills of interest to the consulting engineering community, and one high-impact committee vote as well.

The Senate Federal and State Affairs Committee voted on SB 54, the Board of Technical Professions licensure update bill. They made some amendments to the bill, then passed it out with a favorable recommendations. With the changes to the bill, all parties now seem to be on board, and it is anticipated that the bill will move quickly through the rest of the process.

One of the amendments to SB 54 was the removal of a piece on “ethical marketing”. This would have forbidden licensees from submitting a price until they had been selected on qualifications and negotiations commenced on a full scope and fee. Needless to say, we were very disappointed the language was removed, but not surprised. Cities and counties see it as a way to limit their procurement process and vehemently objected. There is good news, however. The committee took the deleted language on ethical marketing and asked that it be put in a new Senate bill by itself. It is doubtful that this bill will move forward this year, but the plan is to meet with city and county leaders this summer to seek consensus.

The House Agriculture Committee held hearings on HB 2051 and HB 2073 Thursday afternoon. These bills try to clarify several issues involving dams and streams, both in terms of inspection requirements and authority to make changes or improvements to such bodies. It is largely a result of modest disagreements between state agencies and local units of government. One positive item in HB 2051 is a section that would take the state out of the business of doing dam inspections. That work would have to be hired out to a licensed professional engineer. The Committee Chairwoman said she intended to appoint a subcommittee to work through the issues in the two bills and possibly combine them into one.

HB 2234 was introduced and would place the Secretary of Transportation over the Kansas Turnpike Authority. This is the result of the Governor’s announcement early this session of plans to bring KTA under the KDOT umbrella. No hearing has been scheduled yet, but it will be very interesting to see who shows up to oppose this initiative.

HB 2246 was introduced and would provide liability protection for engineering firms and professionals who engage in peer review. A similar bill was passed in Missouri last year. Hearings are tentatively scheduled for the week of February 18. ACEC Kansas will testify in support of the bill.

Three new bills (SB 131, SB 132, and HB 2264) would alter capital improvement budgets for K-12. No sign yet if the three are related or being pushed by the same stakeholder groups.

Activity will speed up continually over the next few weeks as legislative deadlines loom. Stay tuned.....

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
<a href="#">SB 5</a> Oletha Faust-Goudeau, D-29th	Business entities; restricting the use of an acquired entity's name by an acquiring entity	In Senate Commerce	<b>01/17/2013 - Senate</b> Scheduled Hearing and Possible Action in Commerce: Thursday, 1/24/2013, 8:30 AM, Rm 548-S
<a href="#">SB 15</a> Anthony Hensley, D-19th	Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions	In Senate Assessment and Taxation	<b>01/15/2013 - Senate</b> Referred to Assessment and Taxation
<a href="#">SB 42</a> Senate Federal and State Affairs Committee	Architects and engineers; immunity from liability in negligence under certain circumstances	In Senate Judiciary	<b>01/18/2013 - Senate</b> Referred to Judiciary
<a href="#">SB 43</a> Joint Committee on Energy and Environmental Policy	Requiring the Kansas Water Office to formulate a plan to address water-related issues	In Senate Natural Resources	<b>01/23/2013 - Senate</b> Scheduled Hearing and Possible Action in Natural Resources: Thursday, 1/31/2013, 8:30 AM, Rm 159-S
<a href="#">SB 48</a> Senate Federal and State Affairs Committee	Kansas Employer E-verify Accountability Act	In Senate Commerce	<b>01/22/2013 - Senate</b> Referred to Commerce
<a href="#">SB 54</a> Senate Federal and State Affairs Committee	Amendments pertaining to the Board of Technical Professions	On General Orders in Senate	<b>02/07/2013 - Senate</b> Committee Report recommending bill be passed as amended by Federal and State Affairs
<a href="#">SB 84</a> Senate Assessment and Taxation Committee	Sales taxation; presumptions relating to nexus	In Senate Assessment and Taxation	<b>02/04/2013 - Senate</b> Scheduled Hearing in Assessment and Taxation: Wednesday, 2/6/2013, 9:30 AM, Rm 548-S
<a href="#">SB 93</a> Senate Commerce Committee	Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings	In Senate Commerce	<b>02/06/2013 - Senate</b> Scheduled Hearings in Commerce: Proponents - Monday, 2/11/2013, 8:30 AM, Rm 548-S; Opponents - Tuesday, 2/12/2013, 8:30 AM, Rm 548-S
<a href="#">SB 131</a> Senate Ways and Means Committee	School finance; use of capital outlay funds	In Senate Education	<b>02/06/2013 - Senate</b> Referred to Education
<a href="#">SB 132</a>	School finance; amount of tax levy authorized to finance ancillary school facilities	In Senate Education	<b>02/06/2013 - Senate</b> Referred to Education

Senate Ways and Means Committee			
<a href="#">SB 150</a> Senate Ethics, Elections and Local Government Committee	State, municipalities; contracts for construction materials and other goods and merchandise; specification limitations	In Senate Ethics, Elections and Local Government	<b>02/08/2013 - Senate</b> Referred to Ethics, Elections and Local Government
<a href="#">SB 153</a> Senate Ways and Means Committee	Water; dams; definition; exemption from permit requirements; inspection costs and penalties	In Senate Natural Resources	<b>02/08/2013 - Senate</b> Referred to Natural Resources
<a href="#">SCR 1604</a> Susan Wagle, R-30th	Joint rules for the Senate and House of Representatives, 2013-2014	Adopted	<b>01/29/2013 - Senate</b> Concurred; Yeas 28, Nays 12
<a href="#">HB 2005</a> Steve Huebert, R-90th	State aid for capital improvements and capital outlay for school districts	In House Education	<b>01/14/2013 - House</b> Introduced; Referred to Education
<a href="#">HB 2010</a> Gail Finney, D-84th	Business entities; restricting the use of an acquired entity's name by an acquiring entity	In House Commerce, Labor and Economic Development	<b>01/14/2013 - House</b> Introduced; Referred to Commerce, Labor and Economic Development
<a href="#">HB 2031</a> House Agriculture and Natural Resources Committee	Distribution of sales and use tax revenue; funding streams to the state water plan fund	In House Agriculture and Natural Resources	<b>01/18/2013 - House</b> Referred to Agriculture and Natural Resources
<a href="#">HB 2051</a> House Agriculture and Natural Resources Committee	Water; creating limited transfer permits; dams, inspection; multi-year flex account incentive; administrative review of certain orders of the chief engineer and repealing certain water statutes	In House Agriculture and Natural Resources	<b>01/30/2013 - House</b> Scheduled Hearing in Agriculture and Natural Resources: Thursday, 2/7/2013, 3:30 PM, Rm 346-S
<a href="#">HB 2053</a> House Federal and State Affairs Committee	Amendments pertaining to the Board of Technical Professions	In House Commerce, Labor and Economic Development	<b>01/24/2013 - House</b> Referred to Commerce, Labor and Economic Development
<a href="#">HB 2072</a> House Local Government Committee	Municipalities; solid waste collection; limitations	In House Local Government	<b>02/06/2013 - House</b> Scheduled Hearing in Local Government: Tuesday, 2/12/2013, 1:30 PM, Rm 281-N
<a href="#">HB 2073</a>	Streams, dams and obstructions; chief engineer, division of water resources duties;	In House Agriculture and Natural	<b>01/30/2013 - House</b> Scheduled Hearing in Agriculture

House Local Government Committee	counties, authority	Resources	and Natural Resources: Thursday, 2/7/2013, 3:30 PM, Rm 346-S
<a href="#">HB 2074</a> House Local Government Committee	Cities and counties; solid waste disposal areas; restrictions	In House Local Government	<b>02/06/2013 - House</b> Scheduled Hearing in Local Government: Tuesday, 2/12/2013, 1:30 PM, Rm 281-N
<a href="#">HB 2077</a> House Veterans, Military and Homeland Security Committee	Granting professional licenses to military service members	In House Veterans, Military and Homeland Security  In House Commerce, Labor and Economic Development	<b>01/28/2013 - House</b> Scheduled Hearing in Veterans, Military and Homeland Security: Thursday, 1/31/2013, 9:00 AM, Rm 152-S
<a href="#">HB 2136</a> House Taxation Committee	Sales and compensating use tax; distribution of revenues	In House Taxation	<b>02/06/2013 - House</b> Scheduled Hearing in Taxation: Thursday, 2/14/2013, 3:30 PM, Rm 582-N
<a href="#">HB 2137</a> House Taxation Committee	Sunsetting the vehicle modernization surcharge	In House Transportation and Public Safety Budget	<b>01/31/2013 - House</b> Referred to Transportation and Public Safety Budget
<a href="#">HB 2147</a> House General Government Budget Committee	Repealer; use of metric system on certain road signs and markers, moving of heavy vehicles on bridges or culverts, interstate bridges	In House Transportation	<b>01/31/2013 - House</b> Referred to Transportation
<a href="#">HB 2158</a> House Veterans, Military and Homeland Security Committee	Creating a preference to businesses owned by disabled veterans for state contracts	In House Commerce, Labor and Economic Development	<b>01/31/2013 - House</b> Referred to Commerce, Labor and Economic Development
<a href="#">HB 2171</a> House Agriculture and Natural Resources Committee	Establishing agreed local management areas	In House Agriculture and Natural Resources	<b>02/06/2013 - House</b> Scheduled Hearing in Agriculture and Natural Resources: Tuesday, 2/12/2013, 3:30 PM, Rm 346-S
<a href="#">HB 2173</a> House Commerce, Labor and Economic Development Committee	Civil Procedure: remote claims on commercial property; state construction registry	In House Judiciary	<b>01/31/2013 - House</b> Referred to Judiciary
<a href="#">HB 2193</a>	Public facilities; accessibility standards for	In House Federal and	<b>02/06/2013 - House</b>

House Federal and State Affairs Committee	disabled persons	State Affairs	Scheduled Hearing in Federal and State Affairs: Friday, 2/15/2013, 9:00 AM, Rm 346-S
<a href="#">HB 2207</a> House Agriculture and Natural Resources Committee	Establishing separation distances for a confined feeding facility upon submission of a notice of intent to construct such facility	In House Agriculture and Natural Resources	<b>02/06/2013 - House</b> Scheduled Hearing in Agriculture and Natural Resources: Thursday, 2/14/2013, 3:30 PM, Rm 346-S
<a href="#">HB 2234</a> House Appropriations Committee	Naming the Secretary of Transportation as the chairperson and chief executive officer of the Kansas Turnpike authority; contracts between the authority and the Kansas Department of Transportation	In House Transportation	<b>02/07/2013 - House</b> Referred to Transportation; Scheduled Hearing in Transportation: Wednesday, 2/13/2013, 1:30 PM, Rm 582-N
<a href="#">HB 2246</a> House Commerce, Labor and Economic Development Committee	Peer review for certain licensed technical professionals	In House Commerce, Labor and Economic Development	<b>02/07/2013 - House</b> Referred to Commerce, Labor and Economic Development
<a href="#">HB 2249</a> House Local Government Committee	City annexation of fire district land; double taxation; refund	In House Local Government	<b>02/07/2013 - House</b> Referred to Local Government
<a href="#">HB 2264</a> House Education Committee	School districts; capital improvements	In House Education	<b>02/08/2013 - House</b> Referred to Education
<a href="#">HCR 5008</a> House Transportation Committee	Encouraging KDOT to make engineering decisions based upon professional findings	In House Transportation	<b>02/01/2013 - House</b> Referred to Transportation
<a href="#">HR 6004</a> Ray Merrick, R-27th	Rules of House of Representatives, permanent rules of the 2013-2014 biennium	Adopted	<b>01/28/2013 - House</b> Final Action: Adopted as amended; Yeas 82, Nays 40