

LEGISLATIVE NEWSLETTER

ACEC Kansas

No. 5 – February 15, 2013

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Week 5 saw two major developments on bills of interest to ACEC Kansas, hearings on two others, and the introduction of several new bills that we will want to track closely.

The biggest news of the week was SB 54. As we have reported previously, this bill includes the updates to the Board of Technical Professions licensure statutes. ACEC Kansas was part of a large group of stakeholders that worked for over a year to reach consensus on these updates. Originally included in the bill was a piece on "ethical marketing" which would have required licensed designers not to submit a price until they were selected on qualifications. As we previously reported, this part of the bill was removed and placed in a separate bill. (That bill, SB 155, was introduced this week.) With that change, it looked like SB 54 would advance without objection. It was not to be.

The Senate had scheduled a debate on SB 54 for Tuesday afternoon. We found out just that afternoon that there were two Senators who intended to bring amendments which would carve out exemptions for structures to be built without requiring a licensed designer. These included church structures and also commercial structures if they are on private land. We scrambled to contact Senators to urge them to turn back those amendments. The end result is that the bill was referred back to the Senate Federal and State Affairs Committee for consideration of these new amendments. That discussion is scheduled for 10:30 am Thursday morning. We are working with Senators to find a compromise that is satisfactory to both sides, but it is far from certain we will be able to do so successfully. If you know, or are in the district of, any of the following Senators from the Senate Federal and State Affairs Committee hearing the bill, please contact them and ask them to reject the amendments being discussed on Thursday:

Ostmeyer
Emler
Faust-Goudeau
Holland
Holmes
LaTurner
Longbine
Olson
Tyson

The other high impact hearing this week was on HB 2136, which would repeal the 4/10 cent sales tax that currently goes to the state highway fund. ACEC Kansas Vice President Rick Worrel testified in opposition at the hearing in the House Taxation Committee. This bill would obviously be devastating to the state's ability to undertake any transportation infrastructure investment. The list of opponents was long and we were in good company. It is not likely the bill will pass, but nothing can be taken for granted.

HB 2051 and HB 2073, bills that would impact state policy on maintenance/rehabilitation/inspection/construction of dams and streams, were heard together in a House Agriculture

Subcommittee Wednesday morning. The tentative plan is to find language acceptable to all parties and put it in one comprehensive bill. Among other things, the bill would take the state out of the business of doing dam inspections, forcing owners to use a licensed professional engineer from the private sector.

HB 2234, which would merge the Kansas Turnpike Authority under the Kansas Department of Transportation, was heard in the House Transportation Committee Wednesday morning. While many groups are following this with great interest, there were few conferees that stood up to testify.

There will be a hearing in the House Commerce Committee Wednesday on HB 2246, which would grant immunity to designers who do peer review for other firms. There are some late amendments circling this bill that will likely surface at the hearing. ACEC Kansas is planning to offer testimony in support.

Several new bills were introduced this week that are more protectionist in nature. There were two bills which would mandate that materials for state projects be made in America, and one bill (HB 2334) that would require prevailing wage on state projects. Of much greater concern to ACEC are SB 179 and HB 2273, matching bills that would require any state contract to go only to a firm that could promise at least 70% of the work will be performed by Kansas residents. For firms near the state line, this is very problematic. It would also deprive firms of the flexibility of sharing work among offices to maximize efficiency. This same legislation was proposed last year, and ACEC Kansas was the lead conferee in the effort which killed the bill. We intend to fill the same role this year if the bills receive a hearing.

HB 2355 was introduced today, which would eliminate state sales and income tax and replace them with a consumption tax. It makes specific provisions to continue to provide some revenues to the highway fund, but there are far more questions than answers about the bill at this time.

HR 6015 was also introduced, which would mandate KDOT, KTA, and the Department of Administration to study the viability of using compressed natural gas for their fuel source.

There are many deadlines looming for legislation, so activity will become more rapid over the next few weeks. Stay tuned.....

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
SB 5 Oletha Faust-Goudeau, D-29th	Business entities; restricting the use of an acquired entity's name by an acquiring entity	In Senate Commerce	01/17/2013 - Senate Scheduled Hearing and Possible Action in Commerce: Thursday, 1/24/2013, 8:30 AM, Rm 548-S
SB 15 Anthony Hensley, D-19th	Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions	In Senate Assessment and Taxation	01/15/2013 - Senate Referred to Assessment and Taxation
SB 42 Senate Federal and State	Architects and engineers; immunity from liability in negligence under certain circumstances	In Senate Judiciary	01/18/2013 - Senate Referred to Judiciary

Affairs Committee			
SB 43 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	01/23/2013 - Senate Scheduled Hearing and Possible Action in Natural Resources: Thursday, 1/31/2013, 8:30 AM, Rm 159-S
SB 48 Senate Federal and State Affairs Committee	Kansas Employer E-verify Accountability Act	In Senate Commerce	01/22/2013 - Senate Referred to Commerce
SB 54 Senate Federal and State Affairs Committee	Amendments pertaining to the Board of Technical Professions	In Senate Federal and State Affairs	02/14/2013 - Senate Scheduled Discussion and Possible Action in Federal and State Affairs: Thursday, 2/21/2013, 10:30 AM, Rm 144-S
SB 84 Senate Assessment and Taxation Committee	Sales taxation; presumptions relating to nexus	On General Orders in Senate	02/13/2013 - Senate Committee Report recommending bill be passed as amended by Assessment and Taxation
SB 93 Senate Commerce Committee	Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings	In Senate Commerce	02/06/2013 - Senate 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
SB 131 Senate Ways and Means Committee	School finance; use of capital outlay funds	In Senate Education	02/13/2013 - Senate Scheduled Hearing in Education: Monday, 2/18/2013, 1:30 PM, Rm 144-S
SB 132 Senate Ways and Means Committee	School finance; amount of tax levy authorized to finance ancillary school facilities	In Senate Education	02/06/2013 - Senate Referred to Education
SB 150 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	02/08/2013 - Senate Referred to Ethics, Elections and Local Government
SB 153 Senate Ways and Means Committee	Water; dams; definition; exemption from permit requirements; inspection costs and penalties	In Senate Natural Resources	02/12/2013 - Senate Scheduled Hearing and Possible Action in Natural Resources: Friday, 2/15/2013, 8:30 AM, Rm 159-S
SB 155	Technical professions; ethical marketing of	In Senate Federal	02/11/2013 - Senate

Senate Federal and State Affairs Committee	profession services; state, local government clients	and State Affairs	Referred to Federal and State Affairs
SB 179 Anthony Hensley, D-19th	Requiring employment of Kansas workers for certain state contracts and tax benefits	In Senate Commerce	02/13/2013 - Senate Referred to Commerce
SB 179 Anthony Hensley, D-19th	Requiring employment of Kansas workers for certain state contracts and tax benefits	In Senate Commerce	02/13/2013 - Senate Referred to Commerce
SB 195 Senate Ways and Means Committee	Kansas Employment First Initiative Act amendments	In Senate Commerce	02/14/2013 - Senate Referred to Commerce
SB 198 Anthony Hensley, D-19th	Kansas Buy American Act	In Senate Commerce	02/14/2013 - Senate Referred to Commerce
SCR 1604 Susan Wagle, R-30th	Joint rules for the Senate and House of Representatives, 2013-2014	Adopted	01/29/2013 - Senate Concurred; Yeas 28, Nays 12
HB 2005 Steve Huebert, R-90th	State aid for capital improvements and capital outlay for school districts	In House Education	01/14/2013 - House Introduced; Referred to Education
HB 2010 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	01/14/2013 - House Introduced; Referred to Commerce, Labor and Economic Development
HB 2031 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	01/18/2013 - House Referred to Agriculture and Natural Resources
HB 2051 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	02/12/2013 - House Scheduled Sub-Committee Discussion and Possible Recommendation in Agriculture and Natural Resources: Wednesday, 2/13/2013, 8:00 AM, Rm 281-N
HB 2053 House Federal and State Affairs Committee	Amendments pertaining to the Board of Technical Professions	In House Commerce, Labor and Economic Development	01/24/2013 - House Referred to Commerce, Labor and Economic Development

HB 2072 House Local Government Committee	Municipalities; solid waste collection; limitations	In House Local Government	02/06/2013 - House Scheduled Hearing in Local Government: Tuesday, 2/12/2013, 1:30 PM, Rm 281-N
HB 2073 House Local Government Committee	Streams, dams and obstructions; chief engineer, division of water resources duties; counties, authority	In House Agriculture and Natural Resources	02/12/2013 - House Scheduled Sub-Committee Discussion and Possible Recommendation in Agriculture and Natural Resources: Wednesday, 2/13/2013, 8:00 AM, Rm 281-N
HB 2074 House Local Government Committee	Cities and counties; solid waste disposal areas; restrictions	In House Local Government	02/06/2013 - House Scheduled Hearing in Local Government: Tuesday, 2/12/2013, 1:30 PM, Rm 281-N
HB 2077 House Veterans, Military and Homeland Security Committee	Granting professional licenses to military service members	On General Orders in House	02/13/2013 - House Committee Report recommending bill be passed as amended by Veterans, Military and Homeland Security
HB 2136 House Taxation Committee	Sales and compensating use tax; distribution of revenues	In House Taxation	02/06/2013 - House Scheduled Hearing in Taxation: Thursday, 2/14/2013, 3:30 PM, Rm 582-N
HB 2137 House Taxation Committee	Sunsetting the vehicle modernization surcharge	In House Transportation and Public Safety Budget	01/31/2013 - House Referred to Transportation and Public Safety Budget
HB 2147 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	01/31/2013 - House Referred to Transportation
HB 2158 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	01/31/2013 - House Referred to Commerce, Labor and Economic Development
HB 2171 House Agriculture and Natural Resources Committee	Establishing agreed local management areas	In House Agriculture and Natural Resources	02/06/2013 - House Scheduled Hearing in Agriculture and Natural Resources: Tuesday, 2/12/2013, 3:30 PM, Rm 346-S
HB 2173	Civil Procedure: remote claims on	In House Judiciary	01/31/2013 - House

House Commerce, Labor and Economic Development Committee	commercial property; state construction registry		Referred to Judiciary
HB 2193 House Federal and State Affairs Committee	Public facilities; accessibility standards for disabled persons	In House Federal and State Affairs	02/06/2013 - House Scheduled Hearing in Federal and State Affairs: Friday, 2/15/2013, 9:00 AM, Rm 346-S
HB 2207 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	02/06/2013 - House Scheduled Hearing in Agriculture and Natural Resources: Thursday, 2/14/2013, 3:30 PM, Rm 346-S
HB 2234 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	02/07/2013 - House Referred to Transportation; Scheduled Hearing in Transportation: Wednesday, 2/13/2013, 1:30 PM, Rm 582-N
HB 2246 House Commerce, Labor and Economic Development Committee	Peer review for certain licensed technical professionals	In House Commerce, Labor and Economic Development	02/13/2013 - House Scheduled Hearing in Commerce, Labor and Economic Development: Wednesday, 2/20/2013, 1:30 PM, Rm 346-S
HB 2249 House Local Government Committee	City annexation of fire district land; double taxation; refund	In House Local Government	02/13/2013 - House Scheduled Hearing in Local Government: Tuesday, 2/19/2013, 1:30 PM, Rm 281-N
HB 2264 House Education Committee	School districts; capital improvements	In House Education	02/08/2013 - House Referred to Education
HB 2273 Annie Tietze, D-53rd	Requiring employment of Kansas workers for certain state contracts and tax benefits	In House Commerce, Labor and Economic Development	02/11/2013 - House Referred to Commerce, Labor and Economic Development
HB 2279 Paul T. Davis, D-46th	Kansas Buy American Act	In House Commerce, Labor and Economic Development	02/11/2013 - House Referred to Commerce, Labor and Economic Development
HB 2295 House Energy and Environment Committee	Water pollution control permits and creating the water program management fund	In House Agriculture and Natural Resources	02/13/2013 - House Referred to Agriculture and Natural Resources

HB 2334 Paul T. Davis, D-46th	Requiring prevailing wage for public works projects	In House Appropriations	02/14/2013 - House Referred to Appropriations
HB 2355 House Taxation Committee	Kansas Fair Tax Act of 2013	In House Taxation	02/15/2013 - House Referred to Taxation
HCR 5008 House Transportation Committee	Encouraging KDOT to make engineering decisions based upon professional findings	In House Transportation	02/01/2013 - House Referred to Transportation
HR 6004 Ray Merrick, R-27th	Rules of House of Representatives, permanent rules of the 2013-2014 biennium	Adopted	01/28/2013 - House Final Action: Adopted as amended; Yeas 82, Nays 40
HR 6015 House Transportation Committee	Studying the viability of compressed natural gas as an alternative vehicle fuel	In House Energy and Environment	02/15/2013 - House Referred to Energy and Environment