

LEGISLATIVE NEWSLETTER

ACEC Kansas

No. 6 – February 22, 2013

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Week 6 was extremely abbreviated due to the weather. The legislature shut down entirely on Thursday and was "pro forma" on Friday, which means there is virtually no action. There was still activity of note, however.

Our efforts continue on SB 54, the update to the licensure statutes under the Board of Technical Professions (BOTP). We continue to work with KSPE and the BOTP to move this legislation forward without it being burdened by dangerous amendments. As we reported last week, there are efforts to attach very far reaching exceptions to the bill regarding when a licensed professional designer is required. We are gathering data to rebut these bad amendments and engaging in continued conversations with leaders of the Senate. At this point, we don't know when or what the next action will be.

There were two new bills of interest this week. SB 209 would require the public disclosure of an extremely large amount of data submitted as part of any response to solicitations for public contracts over \$100,000. It's not entirely certain yet if the language applies only to bids for construction or also to professional services. If it's the former, it's a bad bill. If it's the latter, it's an awful bill and we will be heavily engaged in trying to kill it. No hearings are scheduled at this time.

HB 2366 would require the state *not* to use any funds for programs that involve sustainable development. This is a brand new bill and we're not sure yet who is behind it. It's an unusual policy proposal...no hearings are scheduled at this time.

HB 2246, which provides liability relief for firms or individuals involved in peer review on design efforts, had a hearing Wednesday in the House Commerce Committee. ACEC Kansas testified in support of the bill. The only opponent was the Board of Technical Professions. They don't oppose the protection from liability, but rather some of the specifics about authority that is granted to the peer review panels. It is likely that a satisfactory compromise will be reached.

Next Tuesday there will be a hearing in the Senate Commerce Committee on SB 179. This is the bill that would require state contracts to be awarded only if at least 70% of the workers on the project are residents of Kansas. We led the fight to kill a similar bill last year, and we will testify in opposition to this bill as well.

The Senate is expected to consider the Governor's tax plan next week...any resulting negative changes to state revenue will mean infrastructure funding will be at risk as they scramble to plug the hole. This will be a key and ongoing development that will probably not be resolved until the end of the session.

Stay tuned.....

| Bill Number and Sponsor | Bill Subject | Current Status | Last Action |
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| 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 Affairs Committee | Architects and engineers; immunity from liability in negligence under certain circumstances | In Senate Judiciary | 01/18/2013 - Senate Referred to Judiciary |
| 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 | 02/12/2013 - Senate Committee of the Whole: Be passed over and retain a place on the Calendar; Withdrawn from Calendar; rereferred to Federal and State Affairs |
| SB 84 Senate Assessment and Taxation Committee | Sales taxation; presumptions relating to nexus | Passed in Senate | 02/20/2013 - Senate Final Action: Passed as amended; Yeas 30, Nays 9 |
| 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 109 Senate Federal and State Affairs Committee | Lobbying; use of public funds prohibited | In Senate Ethics, Elections and Local Government | 02/08/2013 - Senate Scheduled Hearing in Ethics, Elections and Local Government: Monday, 2/11/2013, 9:30 AM, Rm 159-S |
| SB 131 Senate Ways and Means Committee | School finance; use of capital outlay funds | In Senate Education | 02/20/2013 - Senate Scheduled Possible Action in Education: Monday, 2/25/2013, 12:30 PM, Rm 144-S; Tuesday, |

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| | | | 2/26/2013, 12:30 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 Senate Federal and State Affairs Committee | Technical professions; ethical marketing of profession services; state, local government clients | In Senate Federal and State Affairs | 02/11/2013 - Senate 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 | 02/20/2013 - Senate Scheduled Hearing in Commerce: Tuesday, 2/26/2013, 8:30 AM, Rm 548-S |
| SB 179 Anthony Hensley, D-19th | Requiring employment of Kansas workers for certain state contracts and tax benefits | In Senate Commerce | 02/20/2013 - Senate Scheduled Hearing in Commerce: Tuesday, 2/26/2013, 8:30 AM, Rm 548-S |
| 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 |
| SB 209 Senate Ways and Means Committee | Providing for public disclosure and economic efficiency in publicly funded contracts and economic development agreements | In Senate Federal and State Affairs | 02/19/2013 - Senate Referred to Federal and State Affairs |
| 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 | Distribution of sales and use tax revenue; | In House Agriculture | 01/18/2013 - House |

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| House Agriculture and Natural Resources Committee | funding streams to the state water plan fund | and Natural Resources | Referred to Agriculture and Natural Resources |
| Sub for HB 2051 House Agriculture and Natural Resources Committee | Amending provisions relating to dams, obstructions, streams and water flex accounts and transfer permits | On General Orders in House | 02/19/2013 - House Committee Report recommending substitute bill be passed by Agriculture and Natural Resources |
| 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 | 02/15/2013 - House Scheduled Discussion and Possible Action in Agriculture and Natural Resources: Monday, 2/18/2013, 3:30 PM, Rm 346-S |
| 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 | 02/18/2013 - House Scheduled Hearing in Transportation: Wednesday, 2/20/2013, 1:30 PM, Rm 582-N |
| 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 |

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| 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 House Commerce, Labor and Economic Development Committee | Civil Procedure: remote claims on commercial property; state construction registry | In House Judiciary | 01/31/2013 - House 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 |
| Sub for HB 2207 House Agriculture and Natural Resources Committee | Amending provisions relating to the regulation and certification of animal feeding facilities | On General Orders in House | 02/19/2013 - House Committee Report recommending substitute bill be passed by Agriculture and Natural Resources |
| 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 | 02/15/2013 - House Scheduled Hearing in Agriculture and Natural Resources: Tuesday, |

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| | | | 2/19/2013, 3:30 PM, Rm 346-S |
| 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 |
| HB 2366 House Energy and Environment Committee | Use of public funds to promote sustainable development | In House Energy and Environment | 02/18/2013 - House Referred to Energy and Environment |
| 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 |