

LEGISLATIVE NEWSLETTER

ACEC Kansas

No. 8 – March 8, 2013

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Week 8 was very slow, as the Legislature took Monday and Tuesday off following last Friday's "turnaround" deadline. There were a few committee hearings and a little floor action, but pretty quiet for the most part. Even in the calm, we had movement on several bills of interest.

Before we get to those bills, however, we need to repeat our urgent call to action from last week's bulletin on SB 54. If you have not already contacted your Senator to find out their definitive position on this bill and shared that with KSPE Executive Director Ron Gaches (ron@kansasengineer.org), please do so as soon as possible. I have again copied a message from KSPE onto the end of this report. Please take time to review and take action. We can't say thank you enough to those members that have already contacted their Senators and reported back. Keep up the good work!

HB 2137 would terminate a \$4 fee on motor vehicle registration fees which is currently flowing into the highway fund. This amounts to well over \$80 million over the life of the T-Works program. It was heard Wednesday in the House Transportation and Public Safety Budget. State Representative (and Chair of the House Transportation and Public Safety Budget Committee) Virgil Peck was the only proponent of the bill. Among his concerns were the fact that the \$4 fee was originally passed in 2008 to fund some an equipment modernization effort and was scheduled to sunset in 2012, and now the fee is set to continue indefinitely and is not being used for its originally intended purpose. ACEC Kansas was one of only three organizations that gave verbal testimony in opposition. It was a somewhat contentious hearing, and the Chairman scheduled the bill for a vote the next day. When they met Thursday, Representative Ron Ryckman (Junior) offered an amendment which was extremely helpful to our cause. Representative Ryckman said he understood the frustrations of those that supported the bill, so he made an amendment to sunset the fee at the conclusion of the T-Works program and to change the name of the surcharge to reflect that it is supporting the highway fund. With Ryckman's amendment, the bill would continue to fund T-Works at the full amount. The amendment passed, then the bill passed with Ryckman's amendment included. It now heads to the House floor. It's unclear whether the original supporters of the bill will push for it be addressed as amended.

The Kansas Economic Progress Council, of which ACEC Kansas is a member, reports that Representative Peck asked for introduction of a new bill Thursday that would cancel the transfer of any state sales tax to the highway fund. The Legislature would be required to take an action each and every year to decide whether or not to send any sales tax money to the highway fund, and if so, how much. We haven't seen a copy of that bill yet.

HB 2234, designed to merge many parts of KDOT and Kansas Turnpike Authority (KTA) together, was debated on the floor of the House this morning. The bill has met some resistance along the way. In Committee it was amended to strike the language stating the KDOT Secretary would be President and CEO of the KTA. On the floor today, there was an additional amendment to make clear that KTA tolls cannot be used to fund other state spending. With those amendments in place, the bill passed 78-40 and now heads to the Senate.

Next week is likely to be far busier as committee activity increases and the legislature starts to dig deep in to the proposed state budget and the corresponding tax packages. Stay tuned...

SB 54: Statehouse ACTION ALERT!

Contact your state senator and ask them to oppose any Senate floor amendments to Senate Bill 54, the State Board of Technical Professions licensure bill.

Senate Bill 54 was worked a second time in Senate Federal and State Affairs Committee this week and sent to the full Senate for consideration. There were no amendments offered in committee to expand any of the exemptions to licensure for design of commercial or religious buildings. However, we are expecting such amendments will be offered when the bill is worked by the full Senate. The bill will not be worked until we generate enough confirmed support.

It is essential we secure commitments from as many senators as possible that they will oppose efforts to broaden licensure exemptions. We have to have confidence that at least 21 senators are firmly committed to supporting SB 54 WITHOUT amendments that increase licensure exemptions.

Please contact your State Senator ASAP and ask for their commitment to oppose any amendments creating exemptions to Senate Bill, your licensure law. Here are the major points to make:

- Senate Bill 54 is needed to update and modernize the licensure laws for all five technical professions regulated by the State Board of Technical Professions: professional engineers, architects, landscape architects, land surveyors and geologists
- The Mission of the State Board of Technical Professions is to protect the public health, safety and welfare from the risks associated with the malpractice of technical professions by licensees and non-licensees
- We expect efforts to approve amendments that would exempt from licensure requirements:
 - The design of all commercial buildings designed by the owner of the land on which the buildings are constructed
 - The design of religious facilities
- Please commit to vote NO on these amendments

Please send me an email to Ron@kansasengineer.org and report the results of your phone call. We won't ask Senate leadership to run Senate Bill 54 in the full Senate until we have confidence that we can defeat any adverse amendments on the Senate floor. The KSPE Executive Committee has taken the position that defeating further exemptions to our licensure statutes is more important than passing the updates to our licensure law. We will oppose passage of SB 54 IF the adverse amendments are approved. Please help us defeat exemptions to licensure.

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
SB 5	Business entities; restricting the use of an	In Senate	01/17/2013 - Senate

Oletha Faust-Goudeau, D-29th	acquired entity's name by an acquiring entity	Commerce	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	On General Orders in Senate	03/07/2013 - Senate Committee Report recommending bill be passed by 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	02/28/2013 - Senate Motion to withdraw from Committee failed: Yeas 6, Nays 34
SB 54 Senate Federal and State Affairs Committee	Amendments pertaining to the Board of Technical Professions	On General Orders in Senate	02/26/2013 - Senate Committee Report recommending bill be passed as amended by Federal and State Affairs
SB 84 Senate Assessment and Taxation Committee	Sales taxation; presumptions relating to nexus	In House Taxation	02/25/2013 - House Referred to 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 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,

			2/26/2013, 2:30 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	03/01/2013 - Senate Scheduled Hearing in Ethics, Elections and Local Government: Thursday, 3/7/2013, 9:30 AM, Rm 159-S
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, 10:30 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, 10:30 AM, Rm 548-S
SB 195 Senate Ways and Means Committee	Kansas Employment First Initiative Act amendments	In Senate Commerce	03/06/2013 - Senate Scheduled Hearing in Commerce: Wednesday, 3/13/2013, 8:30 AM, Rm 548-S
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 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
Sub for HB 2051 House Agriculture and Natural Resources Committee	Amending provisions relating to dams, obstructions, streams and water flex accounts and transfer permits	In Senate Natural Resources	03/06/2013 - Senate Scheduled Hearing and Possible Action in Natural Resources: Thursday, 3/14/2013, 8:30 AM, Rm 159-S
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 Senate Ethics, Elections and Local Government	03/07/2013 - Senate Referred to Ethics, Elections and Local Government
HB 2077 House Veterans, Military and Homeland Security Committee	Granting professional licenses to military service members	In Senate Federal and State Affairs	02/27/2013 - Senate Referred to Federal and State Affairs; Scheduled Hearing: Thursday, 3/7/2013, 10:30 AM, Rm 144-S
HB 2136 House Taxation	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

Committee			582-N
HB 2137 House Taxation Committee	Sunsetting the vehicle modernization surcharge	In House Transportation and Public Safety Budget	02/27/2013 - House Scheduled Hearing in Transportation and Public Safety Budget: Wednesday, 3/6/2013, 3:30 PM, Rm 142-S; Scheduled Possible Final Action: Thursday, 3/7/2013, 3:30 PM, Rm 142-S
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 Senate Transportation	03/07/2013 - Senate Referred to Transportation; Scheduled Hearing: Wednesday, 3/13/2013, 8:30 AM, Rm 546-S
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 House Commerce, Labor and Economic Development Committee	Civil Procedure: remote claims on commercial property; state construction registry	In House Judiciary	03/06/2013 - House Withdrawn form Appropriations; re-referred to Judiciary
HB 2193 House Federal and State Affairs Committee	Public facilities; accessibility standards for disabled persons	In Senate Federal and State Affairs	03/08/2013 - Senate Referred to Federal and State Affairs
Sub for HB 2207 House Agriculture and Natural Resources Committee	Amending provisions relating to the regulation and certification of animal feeding facilities	In Senate Natural Resources	03/06/2013 - Senate Scheduled Hearing and Possible Action in Natural Resources: Friday, 3/15/2013, 8:30 AM, Rm 159-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	On General Orders in House Above the Line in House	02/26/2013 - House Committee Report recommending bill be passed as amended by Transportation
HB 2246	Peer review for certain licensed technical	In House	02/13/2013 - House

House Commerce, Labor and Economic Development Committee	professionals	Commerce, Labor and Economic Development	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 Senate Ethics, Elections and Local Government	03/07/2013 - Senate Referred to Ethics, Elections and Local Government
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, 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
HB 2392 House Appropriations Committee	School finance; use of capital outlay funds	In House Appropriations	03/08/2013 - House Referred to Appropriations
HCR 5008	Encouraging KDOT to make engineering decisions based upon professional findings	In House Transportation	02/01/2013 - House Referred to Transportation

House Transportation Committee			
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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
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HR 6015 House Transportation Committee	Studying the viability of compressed natural gas as an alternative vehicle fuel	In House Energy and Environment	03/06/2013 - House Scheduled Hearing in Energy and Environment: Friday, 3/15/2013, 9:00 AM, Rm 582-N
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