

KANSAS SOCIETY OF PROFESSIONAL ENGINEERS  
LEGISLATIVE REPORT

By Ron Gaches, Executive Director

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*Note: the opinions expressed herein are those of the author  
and do not necessarily reflect the positions of KSPE.*

**Open Records Bill Impacts Private Firms**

Attorney General Phill Kline has joined with the Kansas Press Association in endorsing a package of bills intended to create greater public access to the workings of government. However, one of the proposals, Senate Bill 80, appears to go beyond the purpose described by Kline and would force the records of private firms to be subject to discovery through use of the Open Records Act.

Under the provisions of SB 80, any business that receives 50% or more of its gross annual revenue from public sources (city, county, state, federal or other public funds) would be regarded as a "public agency" and therefore subject to the Kansas Open Records Act. Virtually all financial records and work product of such firms might be subject to disclosure under the Act.

Scott Heidner of ACEC Kansas and KSPE PEPP has led efforts to contact other business associations who would be adversely impacted by SB 80, including AIA Kansas and the Kansas Contractors Association. Also, Scott has contacted all members of the Senate Elections and Local Government Committee where the bill is scheduled for a hearing on Thursday of this week. KSPE will join ACEC in narrowing the bill's application to what we believe was intended by the sponsors. On Monday we will be contacting the Attorney General's office to make them unaware of what we believe are unintended consequences of this bill.

**State Republicans Select Conservative Leadership**

A slate of candidates led by former Kansas State Treasurer and gubernatorial candidate Tim Schallenburger easily won election as leadership of the Kansas Republican Party. Meeting in Topeka at the annual meeting of the Kansas Republican Party, party leaders selected Shallenburger, a Baxter Springs banker, as Chairman of the Party over two other conservative candidates, at least one of which ran to the right of Shallenburger. In addition to Shallenburger, Susan Estes, of Wichita, was elected vice chairwoman; Beverly Caley, of Clay County, secretary; and Emmitt Mitchell, of Overland Park, treasurer. Following precinct committee races in August, conservatives now control leadership of the First, Second and Fourth Congressional Districts and have made significant gains in the Third District.

Shallenburger promised that the party would not become involved in Republican primaries where conservatives and moderates might challenge themselves, but would instead focus on electing Republicans in the general elections. Top priorities for Shallenburger include defeating Democrat 3<sup>rd</sup> District Congressman Dennis Moore and Governor Kathleen Sebelius.

### **Conflicts Over State Water Policy Continue**

An initiative of the Kansas Water Office to conduct a comprehensive study of the Kaw River to assess the environmental, economic and recreational impacts of various uses has been opposed by the Kansas Water Authority, the chief state water policy advisory group. Opposition to the study came from the aggregate industry that opposes any changes to the current dredging policies on the Kaw that allow taking of sand from more than a dozen locations on the river.

The KSPE Environmental Resources Committee met on Friday, January 21<sup>st</sup> with Tracy Streeter, Director of the Kansas Water Office, to discuss legislative priorities for his agency. With very little new money available for any water programs, the highest unmet priority for the Water Office appears to be funding the deferred obligation to purchase water from federal reservoirs. Kansas has a first right of refusal to purchase a portion of the unallocated water supply of several federal reservoirs in the state. The key advantage is the opportunity to purchase the water at the original construction cost of the storage, not current cost. The Water Office has proposed making payments into a fund that can be used in several years to purchase the water before the right of first refusal lapses. With state general fund money still very tight, funding for this initiative was not made part of the Governor's budget for FY 2006.

A new organization, the Kansas Water Congress, has been formed to create a forum for interested parties to address state water policy issues. About a year and a half old, the Congress appears heavy with agricultural interest but is making a concerted effort to broaden its base of participation. KSPE has been invited to participate and the KSPE Environmental Resources Committee reviewed the Mission and policy development process of the Congress and recommended that KSPE become a member. The recommendation will be discussed at the KSPE Executive Committee meeting scheduled for this Friday.

### **Bill Introduction & Updates**

**Note: new bills and updates are in Bold**

**SB-15** Tax Compliance by Licensees. This bill is a second version of legislation from 2004. It links issuance or renewal of a professional engineering license (among others) to a requirement that the applicant be current in all state taxes. While this sounds reasonable, last year's bill had a serious lack of due process and safeguards contained and KSPE joined several other professional and trade associations (including ACEC of KS) in successfully opposing the bill. The Department of Revenue has revised the bill, including several safeguards, and re-introduced it. It is currently in Senate Assessment and Taxation committee. **Following hearings last**

**week, the Secretary of Revenue requested additional time to respond to questions and consider further modification of the bill. More expected from the Secretary this week.**

**[SB-33](#)** - Retainage. This is a revival of a bill that was killed in 2004. It limits the amount of retainage that an owner can keep to 10%. It also says an owner only has five days from receipt of a bill from a contractor to notify the contractor of any concerns or discrepancies. If such notice is not given within five days, then the owner must pay the bill in full within thirty (30) days or suffer interest at the rate of 1.5% per month. This bill has been referred to Senate Commerce. **Hearings are scheduled for Tuesday and Wednesday in Commerce Committee.**

**[SB 112](#)** – Materialman’s Liens. Would amend the requirements for perfecting and the priority of materialman’s liens. The bill is in Senate Judiciary Committee.

**[SB 124](#)** – Classification of Roads and Highways. Proposes to create authority for county commissioners to designate public roads and highways as part of the county road or highway system; defines “minor” and “major” collector roads and “local service roads”; allows for the distribution of federal dollars for county roads; and authorizes construction of highways to state standards. The bill was requested by County Engineers and is in the Senate Transportation Committee.

**[HB-2008](#)** - Penalties for Illegal Employment. This bill increases the penalty for employing an illegal alien. Although it would be unlikely that a Professional Engineer would directly employ an illegal alien, the bill includes a subcontractors’ employees where the employer of the subcontractor has knowledge of the situation. The bill has been referred to House Commerce and Labor. There are no hearings scheduled at this time.

**[HB-2015](#)** - Minimum Wage. This bill would raise the minimum wage in Kansas from \$2.65 per hour to \$5.30 per hour. It has been assigned to the House Commerce and Labor committee. No hearings are scheduled at this time.

**[HB-2017](#)** - This bill would change the distribution of part of a clean drinking water fee. Currently, 5/106 goes to the state highway fund and the rest to the general fund. This bill would change that disbursement and send the entire amount to the state water plan fund. It has been assigned to the House Environment committee where a hearing was conducted Thursday, January 20. A similar bill was introduced last year but did not pass.

**[HB-2023](#)** - Local Tax Authority. This bill expands the ability of all cities to impose local taxes for specific purposes, and makes a change so that “public infrastructure projects including buildings” are among the allowable purposes. This bill has been assigned to the House Taxation committee. **Hearing is scheduled for Thursday in Tax Committee.**

**[HB 2052](#)** – Solid Waste, Relating to Uncontaminated Soil. Would broaden the definition of “clean rubble” in KSA 65-3424 to include “uncontaminated soil as defined in rules and regulations adopted by the secretary” of KDHE

**HB 2055** – Math and Science Teacher Scholarship Program. Would create a new scholarship program to encourage persons to become math and science teachers in grades 6-12 in Kansas. The bill is assigned to the House Higher Education Committee where it will be heard on Wednesday, February 2.

**HB 2058** – Plumbers and HVAC Requirements. The bill proposes to create new authority for city and county licensure and continuing education requirements for plumbers, and HVAC contractors and HVAC mechanics. The bill had a hearing on Tuesday, January 25th in House Government Organizations and Elections Committee. No action has been taken yet.

**HB-2060** - Business Tax Compliance. This bill is similar to SB 15, but it applies to corporations, partnerships, LLC, etc., being current in filing their business related taxes instead of individuals. It has been assigned to House Tax Committee. No hearings are scheduled at this time.

**HB-2076** – Public Records. This bill deals with records that must be made public. There is currently an exemption for records of sewer or wastewater treatment systems. This bill would add transportation systems to that exemption.

**HB-2182** – Land Surveyors. Provides that Land Surveyors shall mark boundaries using natural markers like tree lines, hedge rows, rivers, etc. wherever possible.

**HB 2186** – County Contracts. Provides that all contracts in excess of \$100,000 instead of \$10,000 as in current law for the expenditure of county funds for the construction of any courthouse, jail or other county building or any bridge shall be awarded, on a public letting, to the lowest and best bid. The bill is in House Governmental Organization and Elections Committee.

### **Need Additional Information?**

For additional information about the Kansas Legislature, calendar of meetings, information about legislators (including contact information) go to the official website of the Kansas Legislature ... <http://www.kslegislature.org/legsrv-legisportal/index.do>

### **2005 Legislative Deadlines**

February 2 – Last day for committee bill requests (except exempt committees)

February 9 – Last day for individuals to introduce a bill

February 11 – Last day for committees to introduce a bill (except exempt committees)

February 26 – Last day for consideration of bills in house of origin (Turnaround Day)

March 26 – Last day for consideration of bills in second house, except for bills from exempt committees

April 9 – Last day of regular session

April 27 – Projected start of Veto Session

- End -