

KANSAS SOCIETY OF PROFESSIONAL ENGINEERS  
LEGISLATIVE REPORT

By Ron Gaches, Executive Director

Issue No 3

February 8, 2010

825 S. Kansas Avenue, Suite 500

Topeka, KS 66612

Phone (785) 233-4512

e-mail rgaches@gbbaks.com

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

Transportation Plans Introduced

It took maybe a bit longer than expected, but the two Interim Committee proposals for a new Comprehensive Transportation Plan have been introduced in the Kansas Legislature. They are HB 2617 and HB 2618 in the House and SB 498 and SB 515 in the Senate. Key difference between the two bills is the funding source. Hearings aren't expected until early March. We likely won't know until the Veto Session whether or not passage of a new CTP is possible this year. In the meantime, it is worthwhile to mention it to your state legislators at every opportunity.

Contract Retention Bill HB 2238 Hearings Held

One of the major discussions taking place this session unrelated to the state budget concerns retention in public and private construction contracts. The bill was introduced by a group of subcontracts who are concerned about not receiving final payment for their services until completion of a construction project, which can often be many months after they have completed their work. On the other side are cities, counties and school districts who don't want to fully pay for services until the project is completed and accepted. I public hearing was conducted on the bill in House Commerce and Labor Committee last week and several committee members expressed interest in trying to broker some resolution of the issue this session.

Traffic Safety Bills Plentiful

There is a full house of bills to prohibit texting and emailing while driving and both the House and Senate have held committee hearings on the topic already this year. In addition, the Senate has introduced a new Primary Seat Belt bill which will have hearings this week. Several Senators have expressed disappointment that the House has not taken favorable action on any of the PSB bills the Senate has sent to them the past couple of years, and have discussed amending their texting bill to include PSB.

Dams Inspections Jeopardized by HB 2493

A hearing was held last Monday in House Agriculture and Natural Resources on HB 2493, a proposal that would effectively gut the state's dam inspection program. Rural landowners have objected to the program for several years as the deadline for dam inspections has grown closer. The Kansas Department of Agriculture presented an effective defense of the program illustrating the many residential and education facilities

that are located in the flood plains of various dams. The loss of life a few years ago from a faulty dam in Missouri illustrates the risk of discontinuing the program. We'll watch this issue closely for any further consideration.

Pace Picks Up as Turnaround Date Nears

Most new bills have been introduced for the session and the next couple of weeks will be packed with committee hearings. Legislative leadership has moved most of the key deadlines forward in the calendar this year and Turnaround will be February the 20<sup>th</sup>, meaning that most bills must be out of the House-of-Origin by that date or they will be dead for the year. The exceptions are "Exempt" bills – bills that have been introduced by or passed through an "Exempt Committee."

---

**Need a Copy of a Bill?** Click on the "blue" bill number on the bill status list below for a copy of the current bill and supplement (if available). For copies or status of other bills, go to [www.kslegislature.org](http://www.kslegislature.org) and use the "Quick Search" tools on the right hand side of the page. You can **Find Your Legislator** by using the link under Hot Items at the bottom of the [www.kslegislature.org](http://www.kslegislature.org) home page.

---

**2010 Bill Deadlines -**

- January 11<sup>th</sup> – last day for individual bill requests
- February 1<sup>st</sup> – last day for committee bill requests, except Exempt Committees
- February 3<sup>rd</sup> – last day for individuals to introduce bills
- February 5<sup>th</sup> – last day for Committees, except Exempt Committees, to introduce bills
- February 21<sup>st</sup> – last day to consider bills in House of Origin, except "Exempt bills"
- March 24<sup>th</sup> – last day for consideration of bills in second house, except "Exempt bills"
- April 6<sup>th</sup> – anticipated end of Regular Session
- April 28<sup>th</sup> – anticipated start of Veto Session

**Kansas Legislature Website -** Additional resources, including copies of other bills, roster of legislators, committee rosters, a link to identify your legislator and much more can be found at ... <http://www.kslegislature.org>

---

**Bill Updates -** Following is a list of bills of interest to KSPE members. Click on the bill number for an electronic copy of the bill. Please contact me via email at [ron@gachesbraden.com](mailto:ron@gachesbraden.com) or phone at 785-233-2121 if you have questions or to add a bill to our tracking list. NOTE: This is the second year of the biennial session and most of the bills below are carried over from the 2009 Session.

**NOTE:** To reduce the size of this report we are listing the Last Action only for each bill. For a more complete history of a bill go to [www.kslegislature.org](http://www.kslegislature.org).

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
<a href="#">SB 36</a>	Cities and counties; relating to the Transportation Development District Act;	In Senate Commerce	<b>01/21/2009 - Senate Scheduled Hearing:</b>

Senate Commerce Committee	special assessments		Wednesday, 1/28/2009, 8:30 AM, Rm 545-N
<b>SB 52</b> Senate Federal and State Affairs Committee	Cities and counties; relating to special benefit districts therein; relating to costs of improvements	In Senate Federal and State Affairs	<b>01/22/2009 - Senate</b> Referred to Federal and State Affairs
<b>SB 59</b> Senate Transportation Committee	Motor vehicles; concerning the use of safety belts	In House Transportation	<b>02/24/2009 - House</b> Referred to Transportation
<b>SB 65</b> Special Committee on Eminent Domain in Condemnation of Water Rights	Eminent domain; relating to water rights	In Senate Natural Resources	<b>01/23/2009 - Senate</b> Scheduled Hearing: Thursday, 1/29/2009, 8:30 AM, Rm 446-N
<b>SB 144</b> Senate Federal and State Affairs Committee	Planning and zoning; dealing with certain easements	In Senate Local Government	<b>02/11/2009 - Senate</b> Scheduled Hearing: Tuesday, 2/17/2009, 9:30 AM, Rm 446-N
<b>SB 165</b> Senate Ways and Means Committee	State water plan fund; relating to increasing fees that contribute to the fund	In Senate Ways and Means	<b>02/18/2009 - Senate</b> Scheduled Hearing: Tuesday, 2/24/2009, 10:30 AM, Rm 545-N
<b>SB 185</b> Senate Agriculture Committee	Water rights; relating to abandonment and termination; due and sufficient cause for nonuse	In Senate Agriculture	<b>02/19/2009 - Senate</b> Withdrawn from Ways and Means; rereferred to Agriculture
<b>SB 192</b> Dennis Pyle, R-1st	Income taxation; relating to credits; motor-fuel taxes paid by certain persons	In Senate Assessment and Taxation	<b>02/04/2009 - Senate</b> Referred to Assessment and Taxation
<b>SB 271</b> Senate Federal and State Affairs Committee	Counties; relating to bidding requirements on certain contracts	In Senate Local Government	<b>02/25/2009 - Senate</b> Scheduled Hearing: Tuesday, 3/3/2009, 9:30 AM, Rm 446-N
<b>SB 295</b>	Blind and visually impaired persons; establishing the Motor Vehicle and Safe	In Senate Transportation	<b>01/14/2010 - Senate</b> Scheduled Hearing: Tuesday,

Senate Ways and Means Committee	Mobility Committee; powers and duties thereof		1/19/2010, 8:30 AM, Rm 152-S
<b>SB 301</b> Senate Ways and Means Committee	Land surveys	In Senate Federal and State Affairs	<b>01/20/2010 - Senate</b> Scheduled Hearing: Thursday, 1/28/2010, 10:30 AM, Rm 144-S
<b>SB 302</b> Senate Ways and Means Committee	Transportation; relating to intermodal transportation projects, and providing for the financing thereof	In House Transportation	<b>03/24/2009 - House</b> Referred to Transportation
<b>SB 315</b> Senate Ways and Means Committee	Water; relating to tax exemptions; notification to water rights holders; review of water development projects	In Senate Natural Resources	<b>03/17/2009 - Senate</b> Referred to Natural Resources
<b>SB 323</b> Senate Ways and Means Committee	Transportation; providing for a transportation program; concerning the financing thereof; creating the Joint Committee on Multimodal Transportation	In Senate Transportation	<b>03/18/2009 - Senate</b> Referred to Transportation
<b>SB 351</b> Senate Ways and Means Committee	Crimes and punishment; prohibiting text messaging while operating a moving motor vehicle	In Senate Judiciary	<b>01/20/2010 - Senate</b> Scheduled Hearing: Thursday, 1/28/2010, 9:30 AM, Rm 548-S
<b>SB 383</b> Senate Education Committee	Fire safety and fire prevention; relating to school buildings	In Senate Education	<b>02/03/2010 - Senate</b> Scheduled Hearing: Monday, 2/8/2010, 1:30 PM, Rm 152-S
<b>SB 409</b> Senate Ways and Means Committee	Establishing the passenger rail service program; providing for powers and duties of the Secretary of Transportation; establishing the passenger rail service revolving fund	In Senate Transportation	<b>01/27/2010 - Senate</b> Scheduled Hearing: Wednesday, 2/3/2010, 8:30 AM, Rm 152-S
<b>SB 476</b> Senate Assessment and Taxation Committee	Sales taxation; relating to imposition of tax on certain services; exemptions, repealed; fund-raising sales	In Senate Assessment and Taxation	<b>01/28/2010 - Senate</b> Referred to Assessment and Taxation
<b>SB 498</b> Senate Ways and Means Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In Senate Transportation	<b>02/02/2010 - Senate</b> Referred to Transportation

<a href="#">SB 502</a> Senate Transportation Committee	Department of Transportation; concerning railroad programs	In Senate Transportation	<b>02/03/2010 - Senate</b> Referred to Transportation; Scheduled Hearing: Friday, 2/12/2010, 8:30 AM, Rm 152-S
<a href="#">SB 510</a> Senate Agriculture Committee	Water; relating to the beneficial use of water	In Senate Natural Resources	<b>02/03/2010 - Senate</b> Referred to Natural Resources
<a href="#">SB 513</a> Senate Ways and Means Committee	Certain political subdivisions; dealing with certain construction contracts	In Senate Federal and State Affairs	<b>02/03/2010 - Senate</b> Referred to Federal and State Affairs; Scheduled Hearing: Thursday, 2/11/2010, 11:00 AM, Rm 144-S
<a href="#">SB 514</a> Senate Ways and Means Committee	Kansas unified school district alternative project delivery building construction procurement act	In Senate Federal and State Affairs	<b>02/03/2010 - Senate</b> Referred to Education; withdrawn from Education; referred to Federal and State Affairs; Scheduled Hearing: Thursday, 2/11/2010, 11:00 AM, Rm 144-S
<a href="#">SB 515</a> Senate Ways and Means Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In Senate Transportation	<b>02/03/2010 - Senate</b> Referred to Transportation
<a href="#">SB 526</a> Senate Ways and Means Committee	Department of Administration; concerning competitive bids; preferring bids from within the state	In Senate Ways and Means	<b>02/04/2010 - Senate</b> Referred to Ways and Means
<a href="#">HB 2015</a> House Energy and Utilities Committee	Energy efficiency; relating to standards for certain owned or leased property, equipment or vehicles	In House Energy and Utilities	<b>01/15/2009 - House</b> Scheduled Hearing: Thursday, 1/22/2009, 9:00 AM, Rm 783 Docking
<a href="#">HB 2016</a> House Energy and Utilities Committee	Utilities; relating to emissions	In House Energy and Utilities	<b>01/15/2009 - House</b> Scheduled Hearing: Thursday, 1/22/2009, 9:00 AM, Rm 783 Docking
<a href="#">Sub for HB 2029</a> Special Committee on Eminent Domain in Condemnation of	Cities; relating to annexation	In Senate Local Government	<b>03/13/2009 - Senate</b> Referred to Local Government

Water Rights			
<b>HB 2030</b> Special Committee on Eminent Domain in Condemnation of Water Rights	Cities; relating to annexation	In House Local Government	<b>01/28/2009 - House</b> Scheduled Hearing: Thursday, 2/5/2009, 3:30 PM, Rm 446-N
<b>HB 2036</b> House Energy and Utilities Committee	State Corporation Commission; relating to studies and reports	In House Energy and Utilities	<b>01/21/2009 - House</b> Referred to Energy and Utilities
<b>HB 2065</b> Joint Committee on Administrative Rules and Regulations	Intensive Groundwater Control Areas	In House Agriculture and Natural Resources	<b>01/23/2009 - House</b> Referred to Agriculture and Natural Resources
<b>HB 2083</b> House Local Government Committee	Historic preservation; pertaining to environs review	In House Local Government	<b>02/24/2009 - House</b> Withdrawn from Appropriations; rereferred to Local Government
<b>HB 2124</b> House Local Government Committee	Planning and zoning; dealing with certain easements	In House Local Government	<b>02/17/2009 - House</b> Withdrawn from Federal and State Affairs; referred to Local Government
<b>HB 2129</b> House Transportation Committee	Driver's licenses; concerning the classes thereof	In House Transportation	<b>01/30/2009 - House</b> Scheduled Hearing: Tuesday, 2/3/2009, 1:30 PM, Rm 783 DSOB
<b>HB 2132</b> House Transportation Committee	Regulating traffic; prohibiting the sending, reading or writing of text messages while operating a motor vehicle	In House Transportation	<b>02/04/2009 - House</b> Scheduled Hearing: Monday, 2/9/2009, 1:30 PM, Rm 783 DSOB
<b>HB 2135</b> House Transportation Committee	Regulating traffic; concerning traffic-control lights	In House Transportation	<b>02/04/2009 - House</b> Scheduled Hearing: Monday, 2/9/2009, 1:30 PM, Rm 783 DSOB
<b>HB 2136</b> Peggy Mast, R-76th	Drivers' licenses; requiring certain examinations for issuance or renewal of	In House Transportation	<b>01/29/2009 - House</b> Referred to Transportation

<a href="#">HB 2177</a> House Appropriations Committee	State water plan fund; relating to increasing fees that contribute to the fund	In House Energy and Utilities	<b>02/02/2009 - House</b> Referred to Energy and Utilities
<a href="#">HB 2178</a> House Appropriations Committee	Abolishing the Kansas Turnpike Authority; transferring powers, duties and functions to the Kansas Department of Transportation	In House Transportation	<b>02/04/2009 - House</b> Scheduled Hearing: Thursday, 2/12/2009, 1:30 PM, Rm 783 DSOB
<a href="#">HB 2182</a> House Energy and Utilities Committee	Department of Health and Environment; requiring the Kansas Air Quality Act be consistent and uniform with the Federal Clean Air Act	In House Energy and Utilities	<b>02/04/2009 - House</b> Scheduled Hearing: Thursday, 2/5/2009, 9:00 AM, Rm 783 DSOB
<a href="#">HB 2216</a> House Elections Committee	Contracts with state agencies	In House Elections	<b>02/04/2009 - House</b> Referred to Elections
<a href="#">S Sub for HB 2222</a> House Government Efficiency and Fiscal Oversight Committee	Making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing	In House Appropriations	<b>02/04/2010 - House</b> Scheduled Hearing and Possible Action: Thursday, 2/4/2010, 9:00 AM, Rm 346-S
<a href="#">HB 2238</a> House Commerce and Labor Committee	Construction contracts; relating to retention in public and private construction contracts	In House Commerce and Labor	<b>01/28/2010 - House</b> Scheduled Hearing: Monday, 2/1/2010, 9:00 AM, Rm 784 DSOB
<a href="#">HB 2272</a> House Appropriations Committee	Intensive groundwater use control areas	On General Orders in House	<b>03/24/2009 - House</b> Committee of the Whole: Be amended; motion to recommend for passage, failed
<a href="#">HB 2277</a> House Appropriations Committee	Public works projects for state agencies; prescribing payment of minimum wages for work thereon and preferences for certain employees to work thereon	In House Commerce and Labor	<b>02/06/2009 - House</b> Referred to Commerce and Labor
<a href="#">HB 2282</a> House Energy and Utilities Committee	Water districts; relating to lands annexed by cities	In House Local Government	<b>02/18/2009 - House</b> Withdrawn from Appropriations; rereferred to Local Government

<a href="#">HB 2283</a>	Water	In Conference Committee	<b>01/28/2010 - Senate</b> Acceded; appointed McGinn, Teichman and Francisco
House Energy and Utilities Committee			
<a href="#">HB 2284</a>	Water; relating to rural water districts; concerning transfer of certain property funds and records of such districts	In House Agriculture and Natural Resources	<b>02/06/2009 - House</b> Referred to Agriculture and Natural Resources
House Energy and Utilities Committee			
<a href="#">HB 2301</a>	Public safety; relating to elevators, escalators, platform lifts, stairway chairlifts, dumbwaiters, moving walks, automated people movers and other conveyances	In House Commerce and Labor	<b>02/06/2009 - House</b> Referred to Commerce and Labor
House Commerce and Labor Committee			
<a href="#">HB 2309</a>	Appropriation of water	In House Agriculture and Natural Resources	<b>02/09/2009 - House</b> Referred to Agriculture and Natural Resources
House Federal and State Affairs Committee			
<a href="#">HB 2318</a>	Rural water districts	In House Agriculture and Natural Resources	<b>02/09/2009 - House</b> Referred to Agriculture and Natural Resources
House Energy and Utilities Committee			
<a href="#">HB 2326</a>	Transportation Development District Act; relating to creation of district; requirements	In House Taxation	<b>02/12/2009 - House</b> Referred to Taxation
House Taxation Committee			
<a href="#">HB 2348</a>	Sales taxation; relating to the imposition of tax on rendering or furnishing of services; rate of tax	In House Taxation	<b>02/18/2009 - House</b> Referred to Taxation
House Taxation Committee			
<a href="#">HB 2372</a>	Contracts with state agencies for certain professional services; relating to competitive bidding procedures	In House Appropriations	<b>03/10/2009 - House</b> Referred to Appropriations
House Appropriations Committee			
<a href="#">HB 2382</a>	Transportation; providing for a transportation program	On General Orders in House	<b>03/20/2009 - House</b> Committee Report: Be passed as amended by Transportation
House Taxation Committee			
<a href="#">HB 2392</a>	Contracts; relating to requests for proposals issued by state agencies	In House Judiciary	<b>03/23/2009 - House</b> Referred to Judiciary
House Federal and			

State Affairs Committee			
<a href="#">HB 2403</a> House Appropriations Committee	Transparency and Accountability in Purchasing and State Spending Act	In House Appropriations	<b>02/02/2010 - House</b> Scheduled Hearing and Possible Action: Wednesday, 2/3/2010, 9:00 AM, Rm 346-S
<a href="#">HB 2421</a> House Energy and Utilities Committee	Energy; requiring schools of engineering to evaluate renewable, distributive generation and transmission technology upon request	In House Energy and Utilities	<b>01/13/2010 - House</b> Referred to Energy and Utilities
<a href="#">HB 2422</a> House Energy and Utilities Committee	Energy; creating a Kansas Energy Science Authority and providing for the powers and duties thereof	In House Energy and Utilities	<b>01/13/2010 - House</b> Referred to Energy and Utilities
<a href="#">HB 2428</a> House Vision 2020 Committee	Drinking water supply lakes; imposing certain fees and surcharges	In House Vision 2020	<b>01/13/2010 - House</b> Referred to Vision 2020; Scheduled Hearing: Tuesday, 1/19/2010, 1:30 PM, Rm 783 DSOB
<a href="#">HB 2433</a> Legislative Educational Planning Committee	Agencies; relating to the acquisition and disposal of certain property; relating to the acquisition of certain services	On General Orders in House	<b>02/04/2010 - House</b> Committee Report: Be passed as amended by Education
<a href="#">HB 2439</a> House Transportation Committee	Regulating traffic; prohibiting the sending, reading or writing of text messages while operating a motor vehicle	In House Transportation	<b>01/14/2010 - House</b> Referred to Transportation; Scheduled Hearing: Tuesday, 1/19/2010, 1:30 PM, Rm 783 DSOB
<a href="#">HB 2441</a> House Appropriations Committee	Crimes and punishment; prohibiting text messaging while operating a moving motor vehicle	In House Transportation	<b>01/14/2010 - House</b> Referred to Transportation
<a href="#">HB 2483</a> House Transportation Committee	Drivers' licenses; concerning requirements for restricted driver's license	In House Transportation	<b>01/22/2010 - House</b> Scheduled Hearing: Wednesday, 1/27/2010, 1:30 PM, Rm 783 DSOB
<a href="#">HB 2483</a> House Transportation	Drivers' licenses; concerning requirements for restricted driver's license	In House Transportation	<b>01/22/2010 - House</b> Scheduled Hearing: Wednesday, 1/27/2010, 1:30 PM, Rm 783 DSOB

Committee			
<a href="#">HB 2493</a> House Appropriations Committee	Classifications of dams and water obstructions	In House Agriculture and Natural Resources	<b>01/29/2010 - House</b> Scheduled Hearing: Monday, 2/1/2010, 3:30 PM, Rm 783 DSOB
<a href="#">HB 2515</a> House Commerce and Labor Committee	Cities and counties; relating to residential fire protection sprinkler systems.	In House Local Government	<b>01/27/2010 - House</b> Scheduled Hearing: Thursday, 2/4/2010, 3:30 PM, Rm 144-S
<a href="#">HB 2549</a> House Taxation Committee	Sales taxation; relating to imposition of tax on certain services; exemptions, repealed; fund-raising sales	In House Taxation	<b>02/03/2010 - House</b> Scheduled Hearings: Thursday, 2/11/2010, 9:00 AM, Rm 783 DSOB; Friday, 2/12/2010, 9:00 AM, Rm 783 DSOB
<a href="#">HB 2552</a> Jo Ann Pottorff, R-83rd	Enacting the midwest interstate passenger rail compact	In House Transportation	<b>02/03/2010 - House</b> Scheduled Hearing: Tuesday, 2/9/2010, 1:30 PM, Rm 783 DSOB
<a href="#">HB 2565</a> House Agriculture and Natural Resources Committee	Water rights; relating to abandonment and termination; creating a water conservation exception	In House Agriculture and Natural Resources	<b>02/05/2010 - House</b> Scheduled Hearing: Thursday, 2/11/2010, 3:30 PM, Rm 783 DSOB
<a href="#">HB 2617</a> House Transportation Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In House Transportation In House Taxation	<b>02/03/2010 - House</b> Referred separately to Transportation and Taxation
<a href="#">HB 2618</a> House Transportation Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In House Transportation In House Taxation	<b>02/03/2010 - House</b> Referred separately to Transportation and Taxation
<a href="#">HB 2624</a> House Energy and Utilities Committee	Construction of new buildings; relating to schools, colleges and universities; relating to energy efficiency	In House Energy and Utilities	<b>02/04/2010 - House</b> Referred to Energy and Utilities; Scheduled Hearing: Tuesday, 2/9/2010, 9:00 AM, Rm 785 DSOB
<a href="#">HB 2625</a> House Energy and Utilities Committee	Energy conservation measures	In House Energy and Utilities	<b>02/04/2010 - House</b> Referred to Energy and Utilities; Scheduled Hearing: Wednesday, 2/10/2010, 9:00

			AM, Rm 785 DSOB
<a href="#">HB 2632</a> Jim Morrison, R-121st	State finance; relating to the state's ability to sweep moneys from fee funds above the statutory 20%;	In House Government Efficiency and Fiscal Oversight	<b>02/04/2010 - House</b> Referred to Government Efficiency and Fiscal Oversight