

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 10, 2011, in Room 346-S of the Capitol.

All members were present.

Representative Colloton

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Will Larson, Larson and Brumrich on behalf of AGC of Kansas, Topeka, Kansas
Dean Ferrell, Ferrell Construction, Topeka, Kansas
Mark Porter, The Law Company, Wichita, Kansas
Jeff Griffith, Kelley Construction, Topeka, Kansas
Corey Peterson, Associated General Contractors of Kansas, Topeka, Kansas
Gary Oborny, CEO/Chairman, Occidental Management, Inc.
Augie Huber, Kansas City Chapter of Association General Contractors
Trudy Aron, American Institute of Architects
Woody Moses, Kansas Aggregate & Kansas Ready-Mix Concrete Association
Bob Totten, Public Affairs Director, Kansas Contractors Association
Clint Patty, Frieden Unrein Forbes & Biggs Law Firm
Nadine Stannard, Associated Material and Supplies
Blain Weeks, Geiger Ready Mix
Ramon Gonzalez, The Hamm Companies
Ken Keller, Controller (Retired), Western Extralite Company
Bill Miller, American Subcontractors Association, Greater Kansas City Chapter
Jim Gray, Broken Arrow Electric, Kansas City
Tim Carpenter, Western Extralite Company
Joe Steele, Western Extralite Co.

Others attending:

See attached list.

The Hearing on **HB 2072 - Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings** was opened.

Matt Sterling, Assistant Revisor of Statutes, provided an overview of the bill to the committee, which provides that prior to the commencement of physical construction at a project site, any original contractor shall file a notice of commencement with the state construction registry created by the Secretary of State. The purpose of the notice of commencement is to notify other persons who are working on the project that the project has started and to give information concerning the name and address of the owner, the original contractor, and the description of the project. The bill directs the Secretary of State to create and maintain the state construction registry and gives the Secretary authority to adopt rules and regulations for the form and manner of filing any notice, as well as setting of fees to be charged for the registry. The bill would also amend K.S.A. 60-1103, 60-1110 and 60-1111 to provide, with respect to supplier and contractor liens and bonds, that if a notice of furnishing has not been filed by a remote claimant, that the aggregate amount of any liens or bonds filed by a remote claimant shall not exceed the net amount due from the original contractor under the terms of the subcontract with the subcontractor to whom the remote claimant has supplied labor, equipment, materials or supplies. ([Attachment 1](#))

The following proponents appeared before the committee in support of the bill and provided individual testimony explaining how this bill would support their business and or industry:

Will Larson, Larson and Brumrich, on behalf of AGC of Kansas, Topeka ([Attachment 2](#))
Dean Ferrell, Ferrell Construction, Topeka, Kansas ([Attachment 3](#))

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on February 10, 2011 in Room 346-S.

Mark Porter, The Law Company, Wichita, Kansas ([Attachment 4](#))
Jeff Griffith, Kelley Construction, Topeka, Kansas ([Attachment 5](#))
Corey Peterson, Associated General Contractors of Kansas, Topeka, Kansas also advised the committee he has been working with the Secretary of State and the Revisors in preparation of a balloon to add some amendments to the bill. ([Attachment 6](#))
Gary Oborny, CEO/Chairman, Occidental Management, Inc. ([Attachment 7](#))
Augie Huber, Kansas City Chapter of Association General Contractors ([Attachment 8](#))
Trudy Aron, American Institute of Architects ([Attachment 9](#))

The following proponents provided written only testimony in support of the bill.

Kathy Olson, Kansas Bankers Association ([Attachment 10](#))
Dennis Kerschen, The Law Company Inc., Wichita, Kansas ([Attachment 11](#))
Bob Simpson, Simpson & Associates, Wichita, Kansas ([Attachment 12](#))
Benny Crossland, Crossland Construction, Columbus, Kansas ([Attachment 13](#))
Ben Hutton, Hutton Construction, Wichita, Kansas ([Attachment 14](#))
Gib Compton, Compton Construction Corporation ([Attachment 15](#))
Tim Sinclair, Pal's Glass/Sinclair Masonry, Wichita, Kansas ([Attachment 16](#))
Sid Wiens, Weins & Company Construction, Hutchinson, Kansas ([Attachment 17](#))
Steve Mohan, Mohan Construction, Topeka, Kansas ([Attachment 18](#))
Rick McCafferty, Executive Vice-President, Key Construction, Inc. ([Attachment 19](#))
Robert P. Burns, Partner, Stinson Morrison Heckler LLP ([Attachment 20](#))

The following opponents appeared before the committee and testified in opposition of the bill, providing the committee with individual testimony, giving various examples and reasons why this bill is unnecessary and burdensome.

Woody Moses, Kansas Aggregate & Kansas Ready-Mix Concrete Assoc. ([Attachment 21](#))
Bob Totten, Public Affairs Director, Kansas Contractors Association ([Attachment 22](#))
Clint Patty, Frieden Unrein Forbes & Biggs Law Firm ([Attachment 23](#))
Nadine Stannard, Associated Material and Supplies ([Attachment 24](#))
Blain Weeks, Geiger Ready Mix ([Attachment 25](#))
Ramon Gonzalez, The Hamm Companies ([Attachment 26](#))
Ken Keller, Controller (Retired), Western Extralite Company ([Attachment 27](#))
Bill Miller, American Subcontractors Association, Greater Kansas City Chapter ([Attachment 28](#))
Jim Gray, Broken Arrow Electric, Kansas City ([Attachment 29](#))
Tim Carpenter, Western Extralite Company ([Attachment 30](#))
Joe Steele, Western Extralite Co. ([Attachment 31](#))

The following opponents provided written only testimony in opposition of the bill.

Ken Daniel, Midway Wholesale ([Attachment 32](#))
John M, Owens, Kansas City Electrical Supply Company ([Attachment 33](#))
Jim Kistler, Associated Builders & Contractors-Heart of America Chapter ([Attachment 34](#))

The hearing on **HB 2072** was closed.

The next meeting is scheduled for February 11, 2011.

The meeting was adjourned at 6:08 p.m.