

LEGISLATIVE NEWSLETTER

ACEC Kansas

No. 2 – January 30, 2009

825 S Kansas Ave, Suite 500 Topeka, KS 66612 Phone (785)357-1824 Fax(785)233-2206 e-mail scott@acecks.org

As you've probably read in the papers, the news at the Capitol is almost exclusively about the budget. Everything else seems to have taken a back seat until an amended budget for FY 2009 and a new budget for FY 2010 have been passed.

The fireworks have already started. The Governor proposed a cut of just over \$200 million to the current FY09 budget. The Senate took the first bite at the apple, with the Ways & Means committee passing out a dramatically different plan including an across-the-board cut of 3.4%, totaling over \$300 million. With a 31-9 Republican majority in the Senate, prevailing wisdom was that the committee's version would sail through and go to the House. However, the day before the debate Governor Sebelius promised to veto the bill as passed by the committee. There followed a revolt among conservative Republicans who felt they had not been consulted sufficiently before and during the committee process. These two things combined to doom the plan as passed by the Ways & Means committee, and instead the Senate passed a substitute motion from Democrat Laura Kelly. This plan includes over \$335 million in cuts, but uses lots of "one time" money and avoids across the board cuts. This plan is now headed to the House Appropriations committee, where it will be the center of attention in the week ahead.

What does this mean for consulting engineers? Nothing good. It is almost a certainty that, no matter which plan passes, it will not include paying back the \$31 million owed to KDOT from the state general fund in both FY 09 and FY 10. It is also almost a certainty that the Kansas Highway Patrol will continue to be funded out of the KDOT budget, instead of being funded as an independent agency as many had planned and hoped. It will likely include a suspension of state general fund transfers to the City/County Special Highway Fund (\$15 million in FY 09 and \$5 million in FY 10), as well as transfers to the State Water Plan. This is all before the legislature even considers funding a new comprehensive transportation plan, funding for capital improvements, water/wastewater, etc.

While the economic news is positively gloomy, there are other bills that are being addressed with some success.

A proposal was made this week to have a "pay go" approach to all government spending. This would mean for every dollar of spending proposed, there has to be a matching cut in funds somewhere else or a specific proposal to raise new revenue to pay for the new expenditure. While this sounds like common sense budgeting at first, it has proved in other states to have disastrous consequences for infrastructure funding. It forces all state programs and agencies to compete against each other for dollars. Infrastructure has a very tough time in that situation as it competes against education, social services, law enforcement, etc. That bill, to the surprise of many, died at the committee level. Some form of it could still come back this year, but this was a telling development.

ACEC has also worked with the University of Kansas and other state owners on a piece of legislation to amend the procurement process for state educational institutions when funding is exclusively from non-state moneys. The contractors, who along with AIA Kansas have also been part of the conversations, are still not comfortable, but the bill looks acceptable from the design side. It ensures that design will still be procured using Qualifications Based Selection and free of a bid component. There is a hearing scheduled for Monday in the Senate Education committee. KU had indicated they would ask for a postponement of that hearing so the contractors could generate feedback, but as of Friday afternoon it is still on the calendar.

ACEC has also worked with the State Board of Technical Professions (BOTP) on SB 29. The BOTP requested this bill primarily to match state statutes to the NCEES model law for land surveyors. ACEC and KSPE were invited to the table for discussions. KSPE took the lead on some aggressive dialogue, which eventually included KDOT and the contractors as well. The bill was amended, and was favorably passed out of the Senate Ways & Means committee Thursday.

New bills are being printed in larger and larger numbers every day, so there will likely be much to report soon.

Stay tuned.....

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
SB 9 Legislative Educational Planning Committee	State educational institutions; relating to capital improvements	In Senate Education	01/28/2009 - Senate Scheduled Hearing: Monday, 2/2/2009, 1:30 PM, Rm 545-N
SB 29 Senate Federal and State Affairs Committee	State Board of Technical Professions; relating to licensure	On General Orders in Senate	01/29/2009 - Senate Committee Report: Be passed as amended by Federal and State Affairs
SB 36 Senate Commerce Committee	Cities and counties; relating to the Transportation Development District Act; special assessments	In Senate Commerce	01/21/2009 - Senate Scheduled Hearing: Wednesday, 1/28/2009, 8:30 AM, Rm 545-N
SB 52 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	01/22/2009 - Senate Referred to Federal and State Affairs

SB 64 Special Committee on Eminent Domain in Condemnation of Water Rights	Kansas Water Appropriation Act	In Senate Natural Resources	01/23/2009 - Senate Scheduled Hearing: Thursday, 1/29/2009, 8:30 AM, Rm 446-N
SB 65 Special Committee on Eminent Domain in Condemnation of Water Rights	Eminent domain; relating to water rights	In Senate Natural Resources	01/23/2009 - Senate Scheduled Hearing: Thursday, 1/29/2009, 8:30 AM, Rm 446-N
SB 78 Senate Commerce Committee	Transportation development districts	In Senate Commerce	01/28/2009 - Senate Scheduled Hearing: Wednesday, 2/4/2009, 8:30 AM, Rm 545-N
SB 91 Senate Local Government Committee	Planning and zoning; dealing with vesting of development rights	In Senate Local Government	01/28/2009 - Senate Scheduled Hearing: Tuesday, 2/3/2009, 9:30 AM, Rm 446-N
SB 142 Senate Transportation Committee	Transportation; relating to designation of certain highway segments as safety corridors by the Secretary of Transportation; establishing the traffic safety corridor fund	In Senate Transportation	01/30/2009 - Senate Referred to Transportation
HB 2015 House Energy and Utilities Committee	Energy efficiency; relating to standards for certain owned or leased property, equipment or vehicles	In House Energy and Utilities	01/15/2009 - House Scheduled Hearing: Thursday, 1/22/2009, 9:00 AM, Rm 783 Docking
HB 2016 House Energy and Utilities Committee	Utilities; relating to emissions	In House Energy and Utilities	01/15/2009 - House Scheduled Hearing: Thursday, 1/22/2009, 9:00 AM, Rm 783 Docking
HB 2029 Special Committee on	Cities; relating to annexation	In House Local Government	01/28/2009 - House Scheduled Hearing:

Eminent Domain in Condemnation of Water Rights			Tuesday, 2/3/2009, 3:30 PM, Rm 446-N
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HB 2030 Special Committee on Eminent Domain in Condemnation of Water Rights	Cities; relating to annexation	In House Local Government	01/28/2009 - House Scheduled Hearing: Thursday, 2/5/2009, 3:30 PM, Rm 446-N
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HB 2050 House Agriculture and Natural Resources Committee	Water; relating to certain fees and disbursement thereof; concerning certain water permits	In House Agriculture and Natural Resources	01/23/2009 - House Scheduled Hearing: Monday, 1/26/2009, 3:30 PM, Rm 783 DSOB
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HB 2065 Joint Committee on Administrative Rules and Regulations	Intensive Groundwater Control Areas	In House Agriculture and Natural Resources	01/23/2009 - House Referred to Agriculture and Natural Resources
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HB 2083 House Local Government Committee	Historic preservation; pertaining to environs review	In House Local Government	01/27/2009 - House Referred to Local Government
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HB 2084 Vincent Wetta, D-80th	Cities; relating to annexation of territory	In House Local Government	01/27/2009 - House Referred to Local Government
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