

LEGISLATIVE NEWSLETTER

ACEC Kansas

No. 3 – February 6, 2009

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The state budget continues to be the dominant theme of the legislature through the past week. The House has passed its version of FY09 budget amendments, and the two chambers are now in conference committee. As of the time of this writing, the conference committee has not reached consensus. The major issue splitting the two chambers is the amount of money (if any) to be cut from K-12 in FY09. It's important to keep in mind that these budget discussions are for FY09 changes.....the legislature still has to address the FY10 budget when that task is completed. Those cuts are going to be even deeper, and possibly more contentious.

Another major issue grabbed some attention this week...HB 2182 was heard in the House Energy & Utilities committee today. This bill prohibits the Secretary of KDHE from applying air quality standards that are stricter than the federal clean air act, and is a direct attempt to get the Sunflower power plants in Holcomb back on track. This bill will likely be the vehicle for all kinds of controversial amendments, and will likewise preoccupy the legislature.

SB 29 continues its progress, passing the Senate 37-3 and moving to the House. SB 29 modifies the land surveyor statutes, and is being drive by the Board of Technical Professions. ACEC was involved in this legislation early on and is comfortable with it, but there continue to be concerns from the Kansas Contractors Association, and KDOT has likewise expressed some concerns. Even with these concerns, the bill is likely to continue its journey.

SB 9 has progressed far more slowly. This bill would free state educational institutions from several normal statutory requirements. It's their attempt to help speed up projects. This is another bill to which ACEC members have been part of ongoing discussions. ACEC conferees are comfortable with the bill, as is AIA Kansas, but the Associated General Contractors have continued to express concern. The bill has had a hearing, but is still sitting in the Senate Education committee.

SB 78 has hit the fast track. This bill allows transportation development districts to use taxes instead of bonds to pay for projects. It was universally supported in committee, and has passed the Senate 40-0. It looks primed for quick passage in the House as well. SB 119 enacts similar policies for new "community improvement districts". These would also incorporate vertical construction. This bill is set for a hearing Wednesday.

HB 2178 caught many of us off guard this week. It would abolish the Kansas Turnpike Authority and put it all under KDOT. It was introduced by Representative Bill Feuerborn, who is a veteran legislator with a solid background and understanding of state budget issues, but the bill's chances of passage are slim to say the least.

HB 2216 would require all parties that contract with the state for amounts larger than \$5,000 to register with the state as a lobbyist. While this would be an onerous change for ACEC member firms, it's our understanding that this bill was drafted far beyond its original intent, and a request

has already been made by the authors of the bill to have it pulled out of committee, and will likely not get a hearing until and unless it is modified.

More news to come, 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 | In House Commerce and Labor | 02/05/2009 - House Referred to Commerce and Labor |
| 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 |
| Provides for the use of the transportation development district tax and allows for the termination of the tax when the project is paid off. | | | |
| 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 | Transportation development districts | Passed in Senate | 02/05/2009 - Senate Committee of the Whole: Be |

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| Committee | | | passed; Emergenced to Final Action: Passed; Yeas 40, Nays 0 |
| Allows the use of transportation development district tax for projects instead of bonds. | | | |
| SB 91 Senate Local Government Committee | Planning and zoning; dealing with vesting of development rights | In Senate Local Government | 02/04/2009 - Senate Scheduled Hearing (cont): Monday, 2/9/2009, 9:30 AM, Rm 446-N |
| SB 112 Senate Judiciary Committee | Kansas Act Against Discrimination; relating to disability | In Senate Judiciary | 02/04/2009 - Senate Scheduled Hearing: Thursday, 2/5/2009, 9:30 AM, Rm 545-N |
| SB 119 Senate Commerce Committee | Enacting the Community Improvement District Act | In Senate Commerce | 02/04/2009 - Senate Scheduled Hearing: Wednesday, 2/11/2009, 8:30 AM, Rm 545-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 | 02/04/2009 - Senate Scheduled Hearing: Tuesday, 2/10/2009, 8:30 AM, Rm 136-N |
| SB 165 Senate Ways and Means Committee | State water plan fund; relating to increasing fees that contribute to the fund | In Senate Ways and Means | 02/03/2009 - Senate Referred to Ways and Means |
| SB 187 Senate Ways and Means Committee | Enacting the State Fire Marshal Commissioned Inspector Act | In Senate Ways and Means | 02/04/2009 - Senate Referred to Ways and Means; Scheduled Hearing: Wednesday, 2/11/2009, 10:30 AM, Rm 545-N |
| 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 |

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| <p>HB 2016 House Energy and Utilities Committee</p> | <p>Utilities; relating to emissions</p> | <p>In House Energy and Utilities</p> | <p>01/15/2009 - House Scheduled Hearing: Thursday, 1/22/2009, 9:00 AM, Rm 783 Docking</p> |
| <p>HB 2029 Special Committee on Eminent Domain in Condemnation of Water Rights</p> | <p>Cities; relating to annexation</p> | <p>In House Local Government</p> | <p>01/28/2009 - House Scheduled Hearing: Tuesday, 2/3/2009, 3:30 PM, Rm 446-N</p> |
| <p>HB 2030 Special Committee on Eminent Domain in Condemnation of Water Rights</p> | <p>Cities; relating to annexation</p> | <p>In House Local Government</p> | <p>01/28/2009 - House Scheduled Hearing: Thursday, 2/5/2009, 3:30 PM, Rm 446-N</p> |
| <p>HB 2050 House Agriculture and Natural Resources Committee</p> | <p>Water; relating to certain fees and disbursement thereof; concerning certain water permits</p> | <p>In House Agriculture and Natural Resources</p> | <p>01/23/2009 - House Scheduled Hearing: Monday, 1/26/2009, 3:30 PM, Rm 783 DSOB</p> |
| <p>HB 2065 Joint Committee on Administrative Rules and Regulations</p> | <p>Intensive Groundwater Control Areas</p> | <p>In House Agriculture and Natural Resources</p> | <p>01/23/2009 - House Referred to Agriculture and Natural Resources</p> |
| <p>HB 2083 House Local Government Committee</p> | <p>Historic preservation; pertaining to environs review</p> | <p>In House Local Government</p> | <p>02/04/2009 - House Scheduled Hearing: Thursday, 2/12/2009, 3:30 PM, Rm 446-N</p> |
| <p>HB 2084 Vincent Wetta, D-80th</p> | <p>Cities; relating to annexation of territory</p> | <p>In House Local Government</p> | <p>02/04/2009 - House Scheduled Hearing: Tuesday, 2/10/2009, 3:30 PM, Rm 446-N</p> |
| <p>HB 2178 House Appropriations Committee</p> | <p>Abolishing the Kansas Turnpike Authority; transferring powers, duties and functions to the Kansas Department</p> | <p>In House Transportation</p> | <p>02/04/2009 - House Scheduled Hearing: Thursday, 2/12/2009, 1:30</p> |

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| | of Transportation | | PM, Rm 783 DSOB |
| HB 2182 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 | 02/04/2009 - House Scheduled Hearing: Thursday, 2/5/2009, 9:00 AM, Rm 783 DSOB |
| HB 2216 House Elections Committee | Contracts with state agencies | In House Elections | 02/04/2009 - House Referred to Elections; Scheduled Hearing: Wednesday, 2/11/2009, 3:30 PM, Rm 446-N |
| HB 2222 House Government Efficiency and Fiscal Oversight Committee | State agencies; relating to the collection of licenses, fees, charges, taxes and exactions | In House Government Efficiency and Fiscal Oversight | 02/04/2009 - House Referred to Government Efficiency and Fiscal Oversight |
| HB 2238 House Commerce and Labor Committee | Construction contracts; relating to retention in public and private construction contracts | In House Commerce and Labor | 02/04/2009 - House Referred to Commerce and Labor; Scheduled Hearing: Wednesday, 2/11/2009, 9:00 AM, Rm 784 DSOB |
| HB 2272 House Appropriations Committee | Intensive groundwater use control areas | In House Agriculture and Natural Resources | 02/05/2009 - House Referred to Agriculture and Natural Resources |
| HB 2273 House Government Efficiency and Fiscal Oversight Committee | State agencies; providing for the development and implementation of a zero-based budget process | In House Appropriations | 02/05/2009 - House Referred to Appropriations |