

LEGISLATIVE NEWSLETTER

ACEC Kansas

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Big news at the Capitol this week. . . . each chamber introduced a version of the next Comprehensive Transportation Plan (CTP). It was beginning to look like the entire 2009 session might pass by without a proposal from either chamber, but House Bill 2382 and SB 323 laid out proposals and were rushed into hearings.

SB 323 proposes another ten year plan for FY 2010-19 with total funding of \$17.667 billion. This funding is generated using existing revenue streams, plus phasing in new revenue from increases in gas tax, vehicle registration fees, sales tax, and transferring existing funding streams to transportation. HB 2382 contains no new funding of any kind. It builds a much smaller program on existing revenue streams.

Here is how the dynamics have played out so far:

On the Senate side, the Transportation Committee held several days of hearings. There seems to be some genuine enthusiasm for this program, but the Chairman said in committee that he thinks there is insufficient time remaining this session to pass a bill of this impact. The good news on the Senate side is that they are willing to raise a meaningful amount of new money; the bad news is that they don't appear willing to do so in the 2009 session.

On the House side, the Transportation Committee had one day of hearings and immediately passed their bill out favorably without a single dissenting vote. The good news is that a bill has passed; the bad news is that it provides zero new revenue.

There were a couple interesting notes in discussion on both bills. The State Chamber, which has always been a stalwart supporter of transportation programs (including the new funding streams needed to complete them), testified in support of the House bill with no new money, but they are opposed to the Senate bill because it increases taxes and fees. Their testimony included comments about the current excellent state of Kansas infrastructure. They did not say that Kansas has no need for improvements in that infrastructure, but it certainly lends support to the arguments of those who say Kansas can wait a while before another serious investment is made in state transportation. The Chamber will vocally back the House bill, but their lack of support (or worse yet, possible opposition) for the Senate bill with new revenues will be very damaging to efforts to pass the bill.

The House will have HB 2382 before them when they return next week. It is not yet known when, or even if, they'll take up consideration of that bill. SB 323 is likely not coming out of committee this year. However, through any one of various legislative tactics, a bill on the transportation plan could still wind up in a conference committee this session.

Also of note this week, the legislative task force on the shortage of engineers met again Monday. They heard testimony from the Deans of the three engineering colleges in Kansas. The Deans talked about the lack of capacity and faculty that already exists for current student levels, and the investment it would take to facilitate the larger number of engineering students that the state and the economy need. No formal action was taken by the committee, and they have not set another meeting date. ACEC and KSPE have

both offered to be a resource in any way possible for this group, and the Chairman seems interested in hearing from the consulting community at some point.

Some of the best legislative news of the week is the absence of any activity on HB 2348 (sales tax on professional services) and HB 2372 (repealing QBS requirements on design work for state agencies). Committee activity is mostly done for the session, and these bills have never had a glimmer of interest or action in their committees, so it looks likely that they are dead for the session. We continue to aggressively press key legislators to make sure they are dead not just this year, but forever.

Next week will see both chambers working bills on the floor, with very little committee action. They plan to wrap up Wednesday, leave about five working days for conference committees, and then come back the first of April for a final round of floor action before first adjournment. This is the time of year where things can happen quickly (for the better at times, but usually for the worse), late at night, in the waning days of the session. We'll be there to stay on top of it.

Stay tuned....

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
SB 9 Legislative Educational Planning Committee	State educational institutions; relating to construction improvement projects	On General Orders in House	03/19/2009 - House Committee Report: Be passed as amended by Education Budget
SB 29 Senate Federal and State Affairs Committee	State Board of Technical Professions; relating to licensure	On General Orders in House	03/11/2009 - House Committee Report: Be passed as amended by 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
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	Pending motion to concur or nonconcur	03/19/2009 - House Final Action: Passed as amended; Yeas 100, Nays 20
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	Transportation development districts	In House Taxation	03/04/2009 - House

Senate Commerce Committee			Scheduled Hearing: Thursday, 3/12/2009, 9:00 AM, Rm 535-N
H Sub for SB 91 Senate Local Government Committee	Planning and zoning; dealing with vesting of development rights	On General Orders in House	03/11/2009 - House Committee Report: Substitute be passed by Commerce and Labor
SB 112 Senate Judiciary Committee	Kansas Act Against Discrimination; relating to disability	In Senate Judiciary	02/18/2009 - Senate Withdrawn from Ways and Means; rereferred to Judiciary
SB 119 Senate Commerce Committee	Enacting the Community Improvement District Act	On General Orders in House	03/19/2009 - House Committee Report: Be passed as amended by Economic Development and Tourism
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	Killed in Senate	02/19/2009 - Senate Committee of the Whole: Committee Report be adopted; be further amended; be passed as amended; Emergencied to Final Action: Not Passed; Yeas 18, Nays 22
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	02/18/2009 - Senate Scheduled Hearing: Tuesday, 2/24/2009, 10:30 AM, Rm 545-N
SB 187 Senate Ways and Means Committee	Enacting the State Fire Marshal Commissioned Inspector Act	Enrolled and presented to Governor	03/16/2009 - Senate Enrolled and presented to the Governor
SB 229 Senate Federal and State Affairs Committee	Employment; relating to misclassification of employees	In Senate Federal and State Affairs	02/06/2009 - Senate Referred to Federal and State Affairs
SB 257 Senate Federal and State Affairs Committee	Cities; relating to public improvements outside the city limits	In House Local Government	03/16/2009 - House Referred to Local Government; Scheduled Hearing: Thursday, 3/19/2009, 3:30 PM, Rm 446-N
SB 271 Senate Federal and State Affairs Committee	Counties; relating to bidding requirements on certain contracts	In Senate Local Government	02/25/2009 - Senate Scheduled Hearing: Tuesday, 3/3/2009, 9:30 AM, Rm 446-N
SB 301 Senate Ways and Means Committee	Land surveys	In Senate Federal and State Affairs	03/05/2009 - Senate Referred to Federal and State Affairs

SB 302 Senate Ways and Means Committee	Transportation; relating to intermodal transportation projects, and providing for the financing thereof	Passed in Senate	03/19/2009 - Senate Committee of the Whole: Be passed; Emergencied to Final Action: Passed; Yeas 36, Nays 3
SB 315 Senate Ways and Means Committee	Water; relating to tax exemptions; notification to water rights holders; review of water development projects	In Senate Natural Resources	03/17/2009 - Senate Referred to Natural Resources
SB 323 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	03/18/2009 - Senate Referred to Transportation
S Sub for Sub for HB 2014 House Energy and Utilities Committee	Energy; relating to conservation and electric generation, transmission and efficiency and air emissions	In Conference Committee	03/11/2009 - House Change of conferees; Knox to replace Moxley
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
Sub for HB 2029 Special Committee on Eminent Domain in Condemnation of Water Rights	Cities; relating to annexation	In Senate Local Government	03/13/2009 - Senate Referred to Local Government
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
Sub for HB 2050 House Agriculture and Natural Resources Committee	Water; relating to certain fees and disbursement thereof; concerning certain water permits	On General Orders in Senate	03/19/2009 - Senate Committee Report: Be passed by Natural Resources
HB 2065 Joint Committee on Administrative Rules	Intensive Groundwater Control Areas	In House Agriculture and Natural Resources	01/23/2009 - House Referred to Agriculture and Natural Resources

and Regulations			
HB 2083 House Local Government Committee	Historic preservation; pertaining to environs review	In House Local Government	02/24/2009 - House Withdrawn from Appropriations; rereferred to Local Government
HB 2084 Vincent Wetta, D-80th	Cities; relating to annexation of territory	In Senate Judiciary	03/17/2009 - Senate Referred to Judiciary
HB 2178 House Appropriations Committee	Abolishing the Kansas Turnpike Authority; transferring powers, duties and functions to the Kansas Department of Transportation	In House Transportation	02/04/2009 - House Scheduled Hearing: Thursday, 2/12/2009, 1:30 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
HB 2222 House Government Efficiency and Fiscal Oversight Committee	State agencies; relating to the collection of licenses, fees, charges, taxes and exactions	In Senate Ways and Means	03/13/2009 - Senate Scheduled Hearing: Tuesday, 3/17/2009, 10:30 AM, Rm 545-N
HB 2238 House Commerce and Labor Committee	Construction contracts; relating to retention in public and private construction contracts	In House Commerce and Labor	03/11/2009 - House Withdrawn from Appropriations; rereferred to Commerce and Labor
HB 2272 House Appropriations Committee	Intensive groundwater use control areas	On General Orders in House	03/18/2009 - House Committee Report: Be passed by 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 General Government Budget	03/04/2009 - House Scheduled Hearing: Wednesday, 3/11/2009, 1:30 PM, Rm 531-N
HB 2277 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	02/06/2009 - House Referred to Commerce and Labor
HB 2281 House Federal and	Employment; relating to misclassification of employees	In House Taxation	02/06/2009 - House Referred to Taxation

State Affairs Committee			
HB 2282 House Energy and Utilities Committee	Water districts; relating to lands annexed by cities	In House Local Government	02/18/2009 - House Withdrawn from Appropriations; rereferred to Local Government
HB 2283 House Energy and Utilities Committee	Rural water districts; relating to procedures for release of lands from a district	On General Orders in House	03/18/2009 - House Committee Report: Be passed by Agriculture and Natural Resources
HB 2284 House Energy and Utilities Committee	Water; relating to rural water districts; concerning transfer of certain property funds and records of such districts	In House Agriculture and Natural Resources	02/06/2009 - House Referred to Agriculture and Natural Resources
HB 2294 House Appropriations Committee	Minimum wage and maximum hours law	In House Commerce and Labor	02/06/2009 - House Referred to Commerce and Labor
HB 2309 House Federal and State Affairs Committee	Appropriation of water	In House Agriculture and Natural Resources	02/09/2009 - House Referred to Agriculture and Natural Resources
HB 2318 House Energy and Utilities Committee	Rural water districts	In House Agriculture and Natural Resources	02/09/2009 - House Referred to Agriculture and Natural Resources
HB 2326 House Taxation Committee	Transportation Development District Act; relating to creation of district; requirements	In House Taxation	02/12/2009 - House Referred to Taxation
HB 2348 House Taxation Committee	Sales taxation; relating to the imposition of tax on rendering or furnishing of services; rate of tax	In House Taxation	02/18/2009 - House Referred to Taxation
HB 2372 House Appropriations Committee	Contracts with state agencies for certain professional services; relating to competitive bidding procedures	In House Appropriations	03/10/2009 - House Referred to Appropriations
HB 2382 House Taxation Committee	Transportation; providing for a transportation program	In House Transportation	03/17/2009 - House Scheduled Hearing: Thursday, 3/19/2009, 1:30 PM, Rm 783 DSOB