

LEGISLATIVE NEWSLETTER

ACEC Kansas

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The 2010 session is officially underway! As I'm sure you have heard, the state budget is *the* issue in 2010. There have been four cuts to state spending in the last year, and yet the legislature still faces the daunting task of paring hundreds of millions of dollars from the FY10 budget. That is the first order of business, but it will be followed by the need to craft an FY11 budget which will likely be even worse. The bad budget times have produced the most pronounced calls for new and higher taxes that we have seen in some time. Still, conservative legislative leaders have vowed they will not raise taxes during the session. Combine this with the pending election campaigns for all members of the Kansas House of Representatives, and the environment has been volatile since day one.

The highway fund, as has historically happened, has suffered more than its share of the pain from these cuts. As we ramp up efforts to pass a new comprehensive transportation plan in the 2010 session, we are starting from an inferior position because of the continued cuts suffered by KDOT and the highway fund. Having said that, there is some cautious optimism among legislators and stakeholder groups for a plan of some kind.

The 2009 legislature authorized creation of a special interim legislative committee on transportation. The task of this interim committee was to recommend a specific funding formula for the next transportation plan. They finished their work shortly before the 2010 session began, and forwarded two funding proposals to the legislature. The one thing both plans have in common is financing the first three years of the plan through bonds, and not including new fees or taxes during that three year stretch. This makes both options far more politically palatable for legislators who will face voters before that day arrives.

The first package would remove the sales tax exemption on motor fuels as of January, 2013. It would, at the same time, drop the fuel tax rate by \$.05. This plan is estimated to raise \$4.4 billion in new revenue through the course of the plan. The second package would add \$.07 to the motor fuels tax as of January, 2013, and would index the motor fuels tax to inflation from that point forward. That plan is expected to raise \$3.7 billion in new money.

Both plans contain some optimistic scenarios that are not likely to come to fruition. These include the state repaying money it has "borrowed" from the highway plan, taking the Kansas Highway Patrol out of the KDOT budget, and passing a primary seat belt law, which would bring in \$11 million in federal funds. The first two of these are highly doubtful.

KDOT Secretary Deb Miller has made appearances before several committees already, discussing the state of funding KDOT faces currently. There have been no hearings yet on the new funding packages, but hopefully they will begin soon.

It is worth noting that all bills from the 2009 session are alive and well in the 2010 session, so we have several carryover bills we are watching closely. HB 2348 would impose sales tax on

professional services, including engineering. HB 2372 would change the state statute on procurement of professional engineering services to a low bid process. These bills don't seem to have much traction, and we're working to ensure that doesn't change.

HB 2403 was introduced late last session by Representative Marvin Kleeb. It calls on the state to outsource more of their work to the private sector (great!), and also change the state's current procurement process for professional engineering services to low bid (not great!). However, we have worked closely with Representative Kleeb this past fall discussing the dangers of changing procurement of professional engineering services to a low bid scenario. Representative Kleeb has agreed to amend his bill to keep the current QBS process in place. The bill is scheduled for a hearing in House Appropriations next Wednesday.

There are several other bills, new and old, that we are watching closely. With so much attention on the budget, it looks like bills that are not fiscal in nature will have a harder time getting through the process. But it's early.....so stay tuned.....

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
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 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
H Sub for SB 91 Senate Local Government Committee	Community planning; relating to placement of sexually violent predators; zoning; dealing with vesting of development rights	Approved by Governor	04/13/2009 Approved by Governor Kathleen Sebelius
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	Stricken from Calendar	03/30/2009 - House Stricken from Calendar
SB 142 Senate Transportation	Transportation; relating to designation of certain highway segments as safety	Killed in Senate	02/19/2009 - Senate Committee of the Whole:

Committee	corridors by the Secretary of Transportation; establishing the traffic safety corridor fund		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	Approved by Governor	03/24/2009 Approved by Governor Kathleen Sebelius
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
H Sub for SB 257 Senate Federal and State Affairs Committee	Cities; relating to public improvements outside the city limits	Approved by Governor	04/23/2009 Approved by Governor Kathleen Sebelius
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	01/20/2010 - Senate Scheduled Hearing: Thursday, 1/28/2010, 10:30 AM, Rm 144-S
SB 302 Senate Ways and Means Committee	Transportation; relating to intermodal transportation projects, and providing for the financing thereof	In House Transportation	03/24/2009 - House Referred to Transportation
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
SB 383 Senate Education Committee	Fire safety and fire prevention; relating to school buildings	In Senate Education	01/19/2010 - Senate Referred to Education

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	Veto sustained	05/08/2009 - House No motion to reconsider; veto sustained
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	Approved by Governor	04/06/2009 Approved by Governor Kathleen Sebelius
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
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
S Sub for HB 2222 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	On General Orders in Senate	01/20/2010 - Senate Committee Report: Substitute be passed by Ways and Means
HB 2238 House Commerce and Labor Committee	Construction contracts; relating to retention in public and private construction contracts	In House Commerce and Labor	01/21/2010 - House Scheduled Hearing: Thursday, 1/28/2010, 9:00 AM, Rm 784 DSOB
HB 2272 House Appropriations Committee	Intensive groundwater use control areas	On General Orders in House	03/24/2009 - House Committee of the Whole: Be amended; motion to recommend for passage, failed
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 State Affairs Committee	Employment; relating to misclassification of employees	In House Taxation	02/06/2009 - House Referred to Taxation
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	Water	Nonconcurrent in House	01/20/2010 - House Nonconcurrent; Conference Committee requested;

			appointed Powell, Fund and Lukert
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	On General Orders in House	03/20/2009 - House Committee Report: Be passed as amended by Transportation
HB 2392 House Federal and State Affairs Committee	Contracts; relating to requests for proposals issued by state agencies	In House Judiciary	03/23/2009 - House Referred to Judiciary
HB 2403 House Appropriations Committee	Transparency and Accountability in Purchasing and State Spending Act	In House Appropriations	01/20/2010 - House Scheduled Hearing and Possible action: Wednesday, 1/27/2010, 9:00 AM, Rm 346-S
HB 2421 House Energy and	Energy; requiring schools of engineering to evaluate renewable, distributive generation	In House Energy and Utilities	01/13/2010 - House Referred to Energy and

Utilities Committee	and transmission technology upon request		Utilities
HB 2433 Legislative Educational Planning Committee	State educational institutions; relating to the acquisition of property and services	In House Education	01/13/2010 - House Referred to Education; Scheduled Hearing: Wednesday, 1/20/2010, 9:00 AM, Rm 711 DSOB
HB 2444 House Federal and State Affairs Committee	Transfer of the Office of State Fire Marshal to the Insurance Department	In House Federal and State Affairs	01/15/2010 - House Referred to Federal and State Affairs