

LEGISLATIVE NEWSLETTER

ACEC Kansas

Final Report 2010 Session – No. 8 – May 14, 2010

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After a long and tumultuous session, the legislature adjourned Tuesday after passing a new ten year transportation plan and a balanced budget, both with the help of new revenue streams.

HB 2650, which contained most of the components of the next comprehensive transportation plan, was nearly the last item of the session to pass both chambers. The House passed the bill 86-38, and the Senate by a margin of 25-13. This was an extremely difficult year for passage of a new program. As you already know, Kansas faced its worst budget year in decades, and tax increases are even less popular in bad times than good. Those that stood up and voted for the plan showed true courage, and our industry needs to send them a very loud and sincere round of thanks. At the end of this summary is a list of how each legislator voted on HB 2650...please make time to contact your elected official(s) if they voted yes and tell them how much you appreciate their courageous vote.

The new transportation plan includes \$8.213 billion over ten years. While this is smaller than the recent CTP, it probably represents an even bigger accomplishment in light of the economic times in which it was passed. New revenue will include \$1.7 billion in new bonding authority (representing a change in the bonding cap from 14% to 18% of revenues), over \$1.5 billion in new sales tax money (most of which comes from 4/10 of a cent that will begin in 2013), and \$131 million from increased fees on heavy trucks (an increase of \$100 over current fees). The state also took advantage of favorable tax implications in using "Build America Bonds". This will likely be the first funding source that tapped, as they must be issued in FY 2011-2012.

There were other items of note in HB 2650. Each county is guaranteed to receive at least \$8 million over the course of the program. KDOT indicated that each county has at least that much in terms of need and did not push for the amendment to fail. Another amendment that passed will allow KDOT to use Design/Build on one project during the ten year program. KDOT will then be required to come back to the legislature with a report showing their cost/benefit analysis of using Design/Build on that particular project. There was much debate on this subject, with some legislators pushing for more use of Design/Build and some wanting to keep it out of the bill entirely.

As mentioned before, here is a list of the voting results. Please contact your elected officials who supported the program to say thank you!

HOUSE VOTE

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Jack, Johnson, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller,

Meier, Menghini, Moxley, Neighbor, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafañelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Goyle, Hayzlett, M. Holmes, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, Olson, Patton, Peck, Pottorff, Powell, Rhoades, Seiwert, Siegfried, Suellentrop, Vickrey, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Schwab.

SENATE VOTE

Yeas: Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steiner, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Bruce, Huelskamp, Kelsey, Lynn, Masterson, Ostmeier, Pilcher-Cook, Pyle, Taddiken, Wagle.

Present and Passing: Brownlee.

Absent or Not Voting: McGinn.

Also of note at the end of the session was passage of HB 2595, which removes the requirement that the State Board of Education review and approve designs for education projects. Funding for an architect position that had helped in that review was stripped out of the budget this year, leading to the change. It was a contested issue throughout the session, but ended up passing late in the game.

A potential tax hit to private companies (specifically including engineering businesses) proposed late in the game was avoided thanks to last minute lobbying by a coalition of business interest. The initiative was to decouple state income tax from a federal income tax section, removing a deduction key to engineering companies. It was proposed by parties who thought business had not shouldered its share of the pain, a position strongly opposed by ACEC.

The legislators will come back late this month for Sine Die, which is a wrap up effort where no legislation of substance will be considered. For all intents and purposes, legislative action is over until the 2011 session. Bills that failed to pass in 2010 will be eliminated, and a fresh slate will be in place in January, 2011.

Thanks to all of you that have been involved in the legislative process over the last four months. Your efforts and contacts with elected officials make more difference than you will ever know. Keep up the good work!

Displaying records 1 through 80 of the 80 bills in your tracking list			
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 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	Approved by Governor	03/24/2009 Approved by Governor Kathleen Sebelius
SB 229 Senate Federal and	Employment; relating to misclassification of employees	In Senate Federal and State Affairs	02/06/2009 - Senate Referred to Federal and State

State Affairs Committee			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
Sub for SB 301 Senate Ways and Means Committee	Land surveys; relating to monumentation of corners and recording of surveys	In Senate Federal and State Affairs	03/08/2010 - Senate Scheduled Committee Review and Possible Action: Thursday, 3/11/2010, 10:30 AM, Rm 144-S
H Sub for SB 302 Senate Ways and Means Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	On General Orders in House	03/19/2010 - House Committee Report: Substitute be passed by 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	03/10/2010 - Senate Scheduled Possible Committee Action: Thursday, 3/11/2010, 1:30 PM, Rm 152-S
SB 385 Senate Ways and Means Committee	Fire safety and fire prevention; relating to school buildings	In House Insurance	03/22/2010 - House Referred to Insurance
SB 409 Senate Ways and Means Committee	Establishing the passenger rail service program; providing for powers and duties of the Secretary of Transportation; establishing the passenger rail service revolving fund	Approved by Governor	03/24/2010 Approved by Governor Mark Parkinson
SB 469 Senate Ways and Means Committee	Civil procedure; relating to remote claim liens on commercial property; establishing the state construction registry	In Senate Judiciary	02/25/2010 - Senate Scheduled Hearing: Wednesday, 3/3/2010, 9:30 AM, Rm 548-S; Final Action:

			Thursday, 3/4/2010, 9:30 AM, Rm 548-S
SB 498 Senate Ways and Means Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In Senate Transportation	03/24/2010 - Senate Scheduled Committee Action: Tuesday, 3/30/2010, 8:30 AM, Rm 152-S
SB 502 Senate Transportation Committee	Department of Transportation; concerning railroad programs	In Senate Transportation	02/03/2010 - Senate Referred to Transportation; Scheduled Hearing: Friday, 2/12/2010, 8:30 AM, Rm 152-S
SB 510 Senate Agriculture Committee	Water; relating to the beneficial use of water	In Senate Natural Resources	02/15/2010 - Senate Withdrawn from Ways and Means; rereferred to Natural Resources
Sub for SB 513 Senate Ways and Means Committee	Alternative project delivery building construction	Approved by Governor	03/31/2010 Approved by Governor Mark Parkinson
H Sub for Sub for SB 514 Senate Ways and Means Committee	Establishing the Community Defense Act	In Conference Committee	04/28/2010 - Senate Not subject to limitations of Joint Rule 4 (k); Motion to concur, failed; Yeas 20, Nays 20; remains in Conference Committee
SB 515 Senate Ways and Means Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In Senate Transportation	03/24/2010 - Senate Scheduled Committee Action: Tuesday, 3/30/2010, 8:30 AM, Rm 152-S
SB 526 Senate Ways and Means Committee	Department of Administration; concerning competitive bids; preferring bids from within the state	In Senate Ways and Means	02/04/2010 - Senate Referred to Ways and Means
SB 530 Senate Assessment and Taxation Committee	Sales taxation; relating to exemptions; repealing all sales tax exemptions	In Senate Assessment and Taxation	03/08/2010 - Senate Withdrawn from Ways and Means; rereferred to Assessment and Taxation
SB 537 Senate Judiciary Committee	Liens and claims against real or personal property	Approved by Governor	04/19/2010 Approved by Governor Mark Parkinson
SB 573 Senate Federal and State Affairs Committee	Cities and counties; relating to residential fire protection sprinkler systems	In Senate Local Government	03/12/2010 - Senate Referred to Local Government; Scheduled Hearing, Possible Discussion

			and Action: Tuesday, 3/16/2010, 9:30 AM, Rm 144-S
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	03/15/2010 - Senate Scheduled Continued Hearing: Tuesday, 3/16/2010, 9:30 AM, Rm 144-S
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	In House Transportation	02/04/2009 - House Scheduled Hearing: Thursday, 2/12/2009, 1:30 PM, Rm 783

	Transportation		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	Approved by Governor	03/05/2010 Approved by Governor Mark Parkinson
Sub for HB 2238 House Commerce and Labor Committee	Construction contracts; relating to retention in public and private construction contracts	In Senate Judiciary	02/25/2010 - Senate Referred to Judiciary
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 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	Approved by Governor	03/24/2010 Approved by Governor Mark Parkinson
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
Sub for HB 2403 House Appropriations Committee	Creating the council on efficient government	In House Appropriations	02/16/2010 - House Committee of the Whole: Committee Report recommending substitute bill be adopted; be amended; motion to refer to committee, adopted; rereferred to Appropriations
HB 2421 House Energy and Utilities Committee	Energy; requiring schools of engineering to evaluate renewable, distributive generation and transmission technology upon request	In House Energy and Utilities	01/13/2010 - House Referred to Energy and Utilities
HB 2433 Legislative Educational Planning	State agencies; relating to the acquisition and disposal of certain property; relating to the acquisition of certain services	Approved by Governor	03/22/2010 Approved by Governor Mark Parkinson

Committee			
HB 2442 House Appropriations Committee	Establishing the Kansas Streamlining Government Commission; providing for an independent review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other state agencies	In Senate Ways and Means	02/24/2010 - Senate Scheduled Hearing: Tuesday, 3/2/2010, 10:30 AM, Rm 548-S
HB 2444 House Federal and State Affairs Committee	Transfer of the Office of State Fire Marshal to the Insurance Department	On General Orders in House	03/18/2010 - House Committee Report: Be passed as amended by Federal and State Affairs
HB 2472 House Local Government Committee	Housing	Approved by Governor	04/15/2010 Approved by Governor Mark Parkinson
HB 2493 House Appropriations Committee	Classifications of dams and water obstructions	In House Agriculture and Natural Resources	02/19/2010 - House Designate Subcommittee: Wednesday, 2/24/2010, 3:30 PM, Rm 783 DSOB
HB 2510 House Federal and State Affairs Committee	Amending the Vehicle Dealers and Manufacturers Licensing Act; relating to temporary vehicle registration	In Senate Transportation	02/24/2010 - Senate Scheduled Hearing: Wednesday, 3/3/2010, 8:30 AM, Rm 152-S
HB 2515 House Commerce and Labor Committee	Cities and counties; relating to residential fire protection sprinkler systems	Killed in House	02/19/2010 - House Final Action: Not passed; Yeas 60, Nays 62
HB 2552 Jo Ann Pottorff, R- 83rd	Enacting the midwest interstate passenger rail compact	Approved by Governor	03/24/2010 Approved by Governor Mark Parkinson
HB 2565 House Agriculture and Natural Resources Committee	Water rights; relating to abandonment and termination; creating a water conservation exception	In House Agriculture and Natural Resources	02/05/2010 - House Scheduled Hearing: Thursday, 2/11/2010, 3:30 PM, Rm 783 DSOB
HB 2617 House Transportation Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In House Transportation In House Taxation	02/03/2010 - House Referred separately to Transportation and Taxation
HB 2618 House Transportation Committee	Transportation; providing for a transportation works for Kansas program; relating to the financing thereof	In House Transportation In House Taxation	02/03/2010 - House Referred separately to Transportation and Taxation

HB 2624 House Energy and Utilities Committee	Construction of new buildings; relating to schools, colleges and universities; relating to energy efficiency	In House Energy and Utilities	02/04/2010 - House Referred to Energy and Utilities; Scheduled Hearing: Tuesday, 2/9/2010, 9:00 AM, Rm 785 DSOB
HB 2625 House Energy and Utilities Committee	Energy conservation measures	In House Energy and Utilities	02/04/2010 - House Referred to Energy and Utilities; Scheduled Hearing: Wednesday, 2/10/2010, 9:00 AM, Rm 785 DSOB
HB 2632 Jim Morrison, R-121st	State finance; relating to the state's ability to sweep moneys from fee funds above the statutory 20%;	In House Government Efficiency and Fiscal Oversight	02/04/2010 - House Referred to Government Efficiency and Fiscal Oversight
S Sub for S Sub for HB 2650 House Federal and State Affairs Committee	Transportation; providing for a Transportation Works for Kansas Program; relating to the financing thereof	Pending enrollment and presentation to Governor	05/11/2010 - House Substitute motion to nonconcur failed; Concurred; Yeas 86, Nays 38
HB 2681 House Appropriations Committee	Establishing the passenger rail service program; providing for powers and duties of the Secretary of Transportation; establishing the passenger rail service revolving fund	In House Transportation	02/10/2010 - House Referred to Transportation
HB 2690 House Appropriations Committee	Department of Administration; concerning competitive bids; preferring bids from within the state	In House General Government Budget	02/12/2010 - House Referred to General Government Budget
HB 2729 House Appropriations Committee	Cities and counties; creating energy management districts	In Senate Utilities	03/19/2010 - Senate Referred to Utilities
HB 2746 House Taxation Committee	Sales taxation; relating to imposition of tax on certain services; exemptions, repealed; rate of taxation; establishing the special sales tax exemption revenue fund	In House Taxation	03/29/2010 - House Referred to Taxation
HB 2746 House Taxation Committee	Sales taxation; relating to imposition of tax on certain services; exemptions, repealed; rate of taxation; establishing the special sales tax exemption revenue fund	In House Taxation	03/29/2010 - House Referred to Taxation