

LEGISLATIVE NEWSLETTER

ACEC Kansas

No. 8 – March 10, 2014

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Last week was a quiet one at the Capital. The Legislature was not in session Monday and Tuesday as they completed their "turnaround" break, and they were "pro forma" Friday, meaning no business is conducted. There was not a lot of traffic on the remaining two days.

By far the biggest news of the week was the release by the Supreme Court of their decision in the *Gannon* school funding lawsuit. As we have reported previously, the results of this decision had hung like a cloud over everything that took place in the 2014 session. The plaintiffs (school districts and parents) were asking for approximately half a billion dollars in additional funding. This is almost 10% of the entire state general fund budget and likely would have started a ripple effect that would impact almost every part of the state budget. The Supreme Court issued a narrow ruling which basically calls on the Legislature to provide just over a hundred million additional dollars for education. Several questions were remanded back to the district court for review.

What does it mean for ACEC of Kansas interests?

In the big picture, this is a positive outcome for ACEC of Kansas issues. Infrastructure funding is the first place the Legislature typically goes when new revenue is needed. A verdict of half a billion dollars almost certainly would have been bad news for the state transportation fund, and probably other infrastructure funding streams as well. With the much smaller number, the Legislature now has options. Infrastructure funding is still very much at risk, probably remaining the biggest "target" in the search for new funds. But this number is much more manageable and leaves the Legislature with options. The state's projected ending balance is far greater than the amount in the verdict and could be used to provide the funding with no additional program cuts of any kind in this fiscal year.

We will continue to watch this as it unfolds and do all we can to urge legislative leadership not to tap public infrastructure funding to generate this new revenue need.

SB 54, our much discussed update to statutes governing the Board of Technical Professions, will have a hearing this week in the House Federal and State Affairs Committee on Tuesday. ACEC of Kansas will be there to testify in support.

Sub for HB 2246, which would create a level of protection from liability for firms doing peer review work, will have a hearing Wednesday in the Senate Commerce Committee. ACEC of Kansas will be there to testify in support.

HB 2573, which creates a revolving loan fund for airport work to be administered by the Secretary of Transportation, was "blessed" last week, meaning it was briefly referred to an exempt committee. Being assigned to an exempt committee means the bill will no longer be bound by any of the normal legislative deadlines. This is often a sign that somebody is working hard to push for passage of the bill in the current session.

HB 2608, which increases the amount counties can levy for roads and bridges, had a hearing last week in the House Taxation Committee. One county showed up to testify in support, and there were no opponents. Even with no opponents, the committee members seemed reluctant to grant the additional taxing authority. There is no further action scheduled on the bill at this time.

This week should see a flurry of activity as the legislature reacts to the Supreme Court decision. Stay tuned...

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
SB 42 Senate Federal and State Affairs Committee	Architects and engineers; immunity from liability in negligence under certain circumstances	In House Judiciary	03/18/2013 - House Referred to Judiciary
SB 43 Joint Committee on Energy and Environmental Policy	Requiring the Kansas Water Office to formulate a plan to address water-related issues	In Senate Natural Resources	01/23/2013 - Senate Scheduled Hearing and Possible Action in Natural Resources: Thursday, 1/31/2013, 8:30 AM, Rm 159-S
SB 48 Senate Federal and State Affairs Committee	Kansas Employer E-verify Accountability Act	In Senate Commerce	02/28/2013 - Senate Motion to withdraw from Committee failed: Yeas 6, Nays 34
SB 54 Senate Federal and State Affairs Committee	Amendments pertaining to the Board of Technical Professions	In House Federal and State Affairs	03/05/2014 - House Scheduled Hearing in Federal and State Affairs: Tuesday, 3/11/2014, 9:00 AM, Rm 346-S
SB 93 Senate Commerce Committee	Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings	In Senate Commerce	02/06/2013 - Senate Scheduled Hearings in Commerce: Proponents - Monday, 2/11/2013, 8:30 AM, Rm 548-S; Opponents - Tuesday, 2/12/2013, 8:30 AM, Rm 548-S
SB 109 Senate Federal and State Affairs Committee	Lobbying; use of public funds prohibited	In Senate Ethics and Elections	02/08/2013 - Senate Scheduled Hearing in Ethics, Elections and Local Government: Monday, 2/11/2013, 9:30 AM, Rm 159-S
SB 131 Senate Ways and Means Committee	School finance; use of capital outlay funds	In Senate Education	02/20/2013 - Senate Scheduled Possible Action in Education: Monday, 2/25/2013, 12:30 PM, Rm 144-S; Tuesday, 2/26/2013, 2:30 PM, Rm 144-S
SB 132	School finance; amount of tax levy authorized to finance ancillary school	In Senate Education	02/06/2013 - Senate Referred to Education

Senate Ways and Means Committee	facilities		
SB 150 Senate Ethics, Elections and Local Government Committee	State, municipalities; contracts for construction materials and other goods and merchandise; specification limitations	In Senate Ethics and Elections	03/01/2013 - Senate Scheduled Hearing in Ethics, Elections and Local Government: Thursday, 3/7/2013, 9:30 AM, Rm 159-S
SB 153 Senate Ways and Means Committee	Water; dams; definition; exemption from permit requirements; inspection costs and penalties	In Senate Natural Resources	02/12/2013 - Senate Scheduled Hearing and Possible Action in Natural Resources: Friday, 2/15/2013, 8:30 AM, Rm 159-S
SB 155 Senate Federal and State Affairs Committee	Technical professions; ethical marketing of profession services; state, local government clients	In Senate Federal and State Affairs	02/26/2014 - Senate Scheduled Informational Briefing in Agriculture: Wednesday, 3/5/2014, 8:30 AM, Rm 159-S
SB 195 Senate Ways and Means Committee	Kansas Employment First Initiative Act amendments	In Senate Commerce	03/13/2013 - Senate Scheduled Final Action in Commerce: Monday, 3/18/2013, 8:30 AM, Rm 548-S
SB 198 Anthony Hensley, D-19th	Kansas Buy American Act	In Senate Commerce	02/14/2013 - Senate Referred to Commerce
SB 209 Senate Ways and Means Committee	Providing for public disclosure and economic efficiency in publicly funded contracts and economic development agreements	In Senate Federal and State Affairs	02/19/2013 - Senate Referred to Federal and State Affairs
SB 262 Senate Commerce Committee	Promoting employment across Kansas act; benefits	In Senate Commerce	02/28/2014 - Senate Withdrawn from Ways and Means; rereferred to Commerce
SB 293 Senate Commerce Committee	Municipalities; solid waste collection; limitations	In Senate Commerce	02/11/2014 - Senate Scheduled Hearing (cont'd) in Commerce: Wednesday, 2/12/2014, 8:30 AM, Rm 548-S
SB 305 Senate Education Committee	School districts; transfer of funds from capital improvement state aid to supplemental general state aid	In Senate Ways and Means	02/26/2014 - Senate Scheduled Hearing in Ways and Means: Wednesday, 3/5/2014, 10:30 AM, Rm 548-S
SB 319	Protecting surface property owners' rights	In Senate Natural	01/29/2014 - Senate

Senate Commerce Committee		Resources	Referred to Natural Resources
SB 374 Senate Utilities Committee	Enacting the energy efficiency investment act	In Senate Utilities	02/26/2014 - Senate Withdrawn from Ways and Means; rereferred to Utilities
SB 395 Senate Ways and Means Committee	Educational building fund; regents bonding authority	In Senate Ways and Means	02/18/2014 - Senate Scheduled Hearing in Ways and Means: Wednesday, 2/19/2014, 10:30 AM, Rm 548-S
SB 396 Senate Ways and Means Committee	State building projects; negotiating committees; alternative procurement	In Senate Ways and Means	02/18/2014 - Senate Scheduled Hearing in Ways and Means: Wednesday, 2/19/2014, 10:30 AM, Rm 548-S
SB 412 Senate Ways and Means Committee	Authorizing the Kansas development finance authority to issue bonds for water projects instead of the Kansas water office; state finance council approval required	In Senate Natural Resources	02/21/2014 - Senate Referred to Natural Resources
SCR 1604 Susan Wagle, R-30th	Joint rules for the Senate and House of Representatives, 2013-2014	Adopted	01/29/2013 - Senate Concurred; Yeas 28, Nays 12
HB 2005 Steve Huebert, R-90th	State aid for capital improvements and capital outlay for school districts	In House Education	01/14/2013 - House Introduced; Referred to Education
HB 2031 House Agriculture and Natural Resources Committee	Distribution of sales and use tax revenue; funding streams to the state water plan fund	In House Agriculture and Natural Resources	01/18/2013 - House Referred to Agriculture and Natural Resources
S Sub for Sub for HB 2051 House Agriculture and Natural Resources Committee	Concerning water rights	In Conference Committee	04/02/2013 Scheduled Meeting in Natural Resources Conference: Wednesday, 4/3/2013, 7:30 AM, Rm 142-S
HB 2053 House Federal and State Affairs Committee	Amendments pertaining to the Board of Technical Professions	In House Commerce, Labor and Economic Development	01/24/2013 - House Referred to Commerce, Labor and Economic Development
HB 2072	Municipalities; solid waste collection; limitations	In House Local Government	02/06/2013 - House Scheduled Hearing in Local

House Local Government Committee			Government: Tuesday, 2/12/2013, 1:30 PM, Rm 281-N
HB 2073 House Local Government Committee	Streams, dams and obstructions; chief engineer, division of water resources duties; counties, authority	In House Agriculture and Natural Resources	02/15/2013 - House Scheduled Discussion and Possible Action in Agriculture and Natural Resources: Monday, 2/18/2013, 3:30 PM, Rm 346-S
HB 2074 House Local Government Committee	Cities and counties; solid waste disposal areas; restrictions	In Senate Local Government	01/23/2014 - Senate Withdrawn from Ethics and Elections; referred to Local Government
HB 2136 House Taxation Committee	Sales and compensating use tax; distribution of revenues	In House Taxation	02/06/2013 - House Scheduled Hearing in Taxation: Thursday, 2/14/2013, 3:30 PM, Rm 582-N
HB 2147 House General Government Budget Committee	Repealer; use of metric system on certain road signs and markers, moving of heavy vehicles on bridges or culverts, interstate bridges	Approved by Governor	04/02/2013 Approved by Governor Sam Brownback
HB 2158 House Veterans, Military and Homeland Security Committee	Creating a preference to businesses owned by disabled veterans for state contracts	In House Commerce, Labor and Economic Development	01/31/2013 - House Referred to Commerce, Labor and Economic Development
HB 2171 House Agriculture and Natural Resources Committee	Establishing agreed local management areas	In House Agriculture and Natural Resources	02/06/2013 - House Scheduled Hearing in Agriculture and Natural Resources: Tuesday, 2/12/2013, 3:30 PM, Rm 346-S
HB 2173 House Commerce, Labor and Economic Development Committee	Civil Procedure: remote claims on commercial property; state construction registry	In House Judiciary	03/13/2013 - House Scheduled Hearing in Judiciary: Tuesday, 3/19/2013, 3:30 PM, Rm 112-N
Sub for HB 2207 House Agriculture and Natural Resources Committee	Amending provisions relating to the regulation and certification of animal feeding facilities	Approved by Governor	04/10/2013 Approved by Governor Sam Brownback
HB 2241	Renewable energy portfolio standards	In House Energy and	03/13/2013 - House

House Energy and Environment Committee		Environment	Scheduled Reconsideration and Possible Final Action in Energy and Environment: Tuesday, 3/19/2013, 9:00 AM, Rm 582-N
Sub for HB 2246 House Commerce, Labor and Economic Development Committee	Peer review for certain licensed technical professionals	In Senate Commerce	03/05/2014 - Senate Scheduled Hearing in Commerce: Wednesday, 3/12/2014, 8:30 AM, Rm 548-S
HB 2249 House Local Government Committee	Certain property issues; relating to historic preservation, taxation and solid waste	Approved by Governor	05/30/2013 Approved by Governor Sam Brownback
HB 2264 House Education Committee	School districts; capital improvements	In House Education	02/08/2013 - House Referred to Education
HB 2273 Annie Tietze, D-53rd	Requiring employment of Kansas workers for certain state contracts and tax benefits	In House Commerce, Labor and Economic Development	02/06/2014 - House Scheduled Hearing in Commerce, Labor and Economic Development: Wednesday, 2/12/2014, 1:30 PM, Rm 346-S
HB 2279 Paul T. Davis, D-46th	Kansas Buy American Act	In House Commerce, Labor and Economic Development	02/11/2013 - House Referred to Commerce, Labor and Economic Development
HB 2295 House Energy and Environment Committee	Water pollution control permits and creating the water program management fund	In House Agriculture and Natural Resources	02/15/2013 - House Scheduled Hearing in Agriculture and Natural Resources: Tuesday, 2/19/2013, 3:30 PM, Rm 346-S
HB 2334 Paul T. Davis, D-46th	Requiring prevailing wage for public works projects	In House Appropriations	02/14/2013 - House Referred to Appropriations
HB 2366 House Energy and Environment Committee	Use of public funds to promote sustainable development	In House Energy and Environment	02/18/2013 - House Referred to Energy and Environment
HB 2392 House Appropriations Committee	School finance; use of capital outlay funds	In House Appropriations	03/08/2013 - House Referred to Appropriations

HB 2405 House Appropriations Committee	Sales and compensating use tax; distribution of revenues	In House Taxation	03/20/2013 - House Referred to Taxation
HB 2429 Joint Committee on Administrative Rules and Regulations	Making the water conservation program part of and supplemental to the Kansas water appropriation act	In Senate Natural Resources	02/13/2014 - Senate Referred to Natural Resources
Sub for HB 2430 House Commerce, Labor and Economic Development Committee	Promoting employment across Kansas act; benefits	In Senate Commerce	03/06/2014 - Senate Referred to Commerce
HB 2439 House Agriculture and Natural Resources Committee	Water; creating the sustainable drinking water source protection fund and fee; authorizing Kansas water office to execute certain contracts and issue revenue bonds; repealing K.S.A. 2013 Supp. 82a-953a	In House Agriculture and Natural Resources	02/06/2014 - House Scheduled Hearing in Agriculture and Natural Resources: Tuesday, 2/11/2014, 3:30 PM, Rm 346-S
Bill Number and Sponsor	Bill Subject	Current Status	Last Action
HB 2465 House Energy and Utilities Committee	Utilities and generation of electricity	In House Utilities and Telecommunications	02/12/2014 - House Scheduled Hearing in Utilities and Telecommunications: Wednesday, 2/19/2014, 9:00 AM, Rm 582-N
HB 2543 House Federal and State Affairs Committee	Prohibiting the Kansas turnpike authority from charging tolls to persons on motorcycles	In House Transportation	02/06/2014 - House Scheduled Hearing in Transportation: Tuesday, 2/11/2014, 1:30 PM, Rm 582-N (REMOVED FROM AGENDA)
HB 2548 House Agriculture and Natural Resources Committee	Creating the water program management fund and transferring the air quality fee fund	In Senate Natural Resources	02/25/2014 - Senate Referred to Natural Resources
HB 2549 House Agriculture and Natural Resources Committee	Allowing burial of hazardous waste on-site	In Senate Natural Resources	02/27/2014 - Senate Referred to Natural Resources
HB 2559	Discrimination based on employment status	In House Commerce, Labor and Economic Development	02/03/2014 - House Referred to Commerce, Labor

House Commerce, Labor and Economic Development Committee	prohibited		and Economic Development
HB 2560 House Commerce, Labor and Economic Development Committee	Kansas minimum wage law; minimum wage increase	In House Commerce, Labor and Economic Development	02/05/2014 - House Referred to Commerce, Labor and Economic Development
HB 2573 House Transportation Committee	Creating the airport development revolving fund	In House Taxation	02/27/2014 - House Withdrawn from Transportation and Public Safety Budget; referred to Taxation
HB 2575 House Taxation Committee	Disabled access tax credit	In House Taxation	02/10/2014 - House Referred to Taxation
HB 2597 House Appropriations Committee	Municipal recycling services	In Senate Local Government	03/06/2014 - Senate Referred to Local Government
HB 2608 House Taxation Committee	County special road and bridge fund mill levy; rate increase; protect petition	In House Taxation	02/26/2014 - House Scheduled Hearing in Taxation: Thursday, 3/6/2014, 3:30 PM, Rm 582-N
HB 2616 House Commerce, Labor and Economic Development Committee	Secretary of labor; explore agreement to allow state of Kansas to enforce OSHA standards	In Senate Commerce	03/06/2014 - Senate Referred to Commerce
HB 2623 House Veterans, Military and Homeland Security Committee	School districts; requiring storm shelters for certain construction projects	In House Education Budget	02/20/2014 - House Scheduled Hearing in Education Budget: Monday, 2/24/2014, 3:30 PM, Rm 281-N; Possible Action: Tuesday, 2/25/2014, 3:30 PM, Rm 281-N
HB 2636 House Energy and Environment Committee	Secretary of health and environment and air quality standards	In Senate Utilities	03/05/2014 - Senate Scheduled Hearing in Utilities: Thursday, 3/13/2014, 1:30 PM, Rm 548-S
HB 2652 House Judiciary Committee	Relating to zoning of county airports	In House Judiciary	02/25/2014 - House Withdrawn from Taxation; rereferred to Judiciary

HB 2654 House Agriculture and Natural Resources Committee	Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission	In House Agriculture and Natural Resources	02/17/2014 - House Scheduled Hearing in Agriculture and Natural Resources: Thursday, 2/20/2014, 3:30 PM, Rm 346-S
HB 2723 House Appropriations Committee	Taxpayer empowerment, accountability and transparency in state contracting act	In House Appropriations	02/18/2014 - House Referred to Appropriations
HCR 5008 House Transportation Committee	Encouraging KDOT to make engineering decisions based upon professional findings	In House Transportation	02/01/2013 - House Referred to Transportation
HR 6004 Ray Merrick, R-27th	Rules of House of Representatives, permanent rules of the 2013-2014 biennium	Adopted	01/28/2013 - House Final Action: Adopted as amended; Yeas 82, Nays 40
HR 6015 House Transportation Committee	Studying the viability of compressed natural gas as an alternative vehicle fuel	Killed in House	06/20/2013 - House Died on Calendar