

LEGISLATIVE NEWSLETTER

ACEC of Kansas

No. 9 March 11, 2016

825 S Kansas Ave, Suite 500 Topeka, KS 66612 Phone (785)357-1824 Fax (785)233-2206 email scott@acecks.org

There was much activity this week as the Legislature worked rapidly to advance legislation in advance of their March 25 First Adjournment deadline.

Perhaps the most serious activity was a hearing on SB 463 Tuesday in the Senate Ways & Means Committee. SB 463 would take several funding streams that currently go directly to the project/program being funded and send those funding streams to the state general fund (SGF) instead. These include, among other things, the funds for the Engineering Initiatives Act, sales tax money that currently goes to the state highway fund, funds for water resources, and much more. There are comments from proponents of the legislation that the legislature can still appropriate that money each year from the general fund to those individual programs, but it is hard not to be skeptical that this would happen year in and year out. ACEC Kansas testified in opposition to SB 463. KSPE testified in opposition as well. We were a little surprised that more stakeholder groups were not present to oppose the bill, and some seem to have been caught off guard at the implications of the legislation. We first reported on this legislation and the possible negative implications back in our February 25 weekly legislative update. If this legislation shows momentum, we may put out a "call to action" to the membership to contact their Senators.

ACEC also testified in opposition to SB 316 Wednesday in the Senate Assessment and Taxation Committee. SB 316 deals with the requirements that must be met by local taxing jurisdictions before they can raise additional taxes. In the 2015 session, significant requirements were added in this regard, but the implementation date was January 1, 2018 and there were several exemptions carved out in statute, including certain infrastructure investments. SB 316 would move the implementation date up to July 1, 2016 and remove the existing exemption for infrastructure. This is a highly controversial bill, with cities and counties leading the charge in opposition.

Still looming over the session are the recommendations made in the state's efficiency study conducted by Alvarez & Marsal (A&M). The A&M study, as we have previously mentioned, recommended doing away with QBS as the state's procurement process for professional design services and staffing up a state agency under the auspice that the public sector can provide design work cheaper and more efficiently than the private sector. ACEC Kansas testified against these two recommendations last week on the House side, and we are scheduled to do so on the Senate side next Tuesday. Representative J.R. Claeys, who is Chairman of the House Committee in which we testified, made very favorable comments on these issues in a news interview this week. We are slightly more optimistic about these recommendations than we were early in the session, but vigilance will still be required given the enormous potential impact of these proposed changes.

The legislature will be busy with committee hearings next week, which should just about conclude committee activity. The following week will be filled with floor debate and conference committees as they head towards First Adjournment on March 25.

Stay tuned...

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
H Sub for SB 29 Senate Assessment and Taxation Committee	Concerning taxation; relating to income tax, rates, itemized deductions, credits, income modifications and rural opportunity zones; tax amnesty; sales and compensating use tax, rates, food and distribution thereof; sales tax authority for Bourbon, Douglas and Thomas counties; cigarettes, rates; property taxation, consolidated fire districts	On General Orders in House	05/28/2015 - House Not subject to limitations of Joint Rule 4(k); Motion to emergency to Final Action, amendment and debate, failed

SB 107 Senate Commerce Committee	Public entities expenditures for energy projects intended to reduce energy costs	In Senate Commerce	02/11/2015 - Senate Scheduled Hearing in Commerce: Tuesday, 2/17, 8:30 AM, Rm 548-S
SB 118 Senate Natural Resources Committee	Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission	In Senate Natural Resources	02/02/2015 - Senate Scheduled Hearing in Natural Resources: Thursday, 2/5/2015, 8:30 AM, Rm 159-S
SB 138 Senate Ways and Means Committee	Prohibiting the secretary of health and environment from adopting rules and regulations relating to confined feeding facilities that are more restrictive than federal law	In Senate Natural Resources	02/04/2015 - Senate Referred to Natural Resources
SB 209 Anthony Hensley, D-19th	Repealing the prohibition against agencies and municipalities requiring contractors to enter into certain labor agreements for public works construction projects	In Senate Commerce	02/12/2015 - Senate Referred to Commerce
SB 210 Anthony Hensley, D-19th	Requiring employment of Kansas workers for certain state contracts and tax incentives	In Senate Commerce	02/12/2015 - Senate Referred to Commerce
SB 227 Senate Natural Resources Committee	Local enhanced management areas; due consideration; corrective control measures	In House Agriculture and Natural Resources	03/16/2015 - House Scheduled Hearing in Agriculture and Natural Resources: Monday, 3/16, 3:30 PM, Rm 346-S
SB 245 Senate Ways and Means Committee	Repealer; certain bridge inspections	In House Transportation	03/31/2015 - House Referred to Transportation
SB 246 Senate Ways and Means Committee	Exempting certain state leases from energy audit requirements when such energy audit is not economically feasible	In House Energy and Environment	01/20/2016 - House Scheduled Hearing in Energy and Environment: Wednesday, 1/27, 9:00 AM, Rm 582-N
SB 268 Senate Ways and Means Committee	Changes to stream maintenance and obstruction requirements	In Senate Natural Resources	03/17/2015 - Senate Scheduled Hearing in Natural Resources: Thursday, 3/19, 8:30 AM, Rm 159-S
SB 275 Senate Ways and Means Committee	Establishing water conservation areas	In Senate Natural Resources	03/11/2015 - Senate Scheduled Hearing in Natural Resources: Wednesday, 3/18, 8:30 AM, Rm 159-S
SB 316 Jacob LaTurner, R-13th	Property tax lid; effective date; exemptions	In Senate Assessment and Taxation	03/02/2016 - Senate Scheduled Hearings in Assessment and Taxation:

			Pro - Tuesday, 3/8; Opp - Wednesday, 3/9, 9:30 AM, Rm 548-S
SB 322 Senate Ways and Means Committee	Creating application requirement and fee to appropriate surface water that otherwise leaves the state	In Senate Natural Resources	02/01/2016 - Senate Scheduled Discussion and Possible Action in Natural Resources: Thursday, 2/4, 8:30 AM, Rm 159-S
SB 329 Senate Natural Resources Committee	Clarifying approval of a change application for place of use for multi-year flex accounts	In House Agriculture and Natural Resources	03/02/2016 - House Scheduled Hearing in Agriculture and Natural Resources: Wednesday, 3/9, 3:30 PM, Rm 346-S
SB 330 Senate Natural Resources Committee	Establishing the Kansas conservation reserve enhancement program	In House Agriculture and Natural Resources	03/03/2016 - House Scheduled Hearing in Agriculture and Natural Resources: Thursday, 3/10, 3:30 PM, Rm 346-S
H Sub for SB 337 Senate Natural Resources Committee	Creating a penalty for failure to report annual water use	On General Orders in House	03/08/2016 - House Committee Report recommending substitute bill be passed by Agriculture and Natural Resources
SB 365 Senate Commerce Committee	Enacting the contaminated property redevelopment act	In House Commerce, Labor and Economic Development	03/09/2016 - House Scheduled Hearing in Commerce, Labor and Economic Development: Monday, 3/14, 1:30 PM, Rm 346-S
SB 394 Senate Public Health and Welfare Committee	Enacting the supporting families act, relating to temporary care for children	In Senate Judiciary	02/05/2016 - Senate Scheduled Hearing in Judiciary: Thursday, 2/11, 10:30 AM, Rm 346-S
SB 396 Senate Judiciary Committee	Kansas sunset law	In Senate Ways and Means	02/03/2016 - Senate Referred to Ways and Means
SB 411 Senate Utilities Committee	Utilities and electric transmission lines	In Senate Utilities	02/05/2016 - Senate Referred to Utilities
SB 412 Senate Utilities Committee	Water district No. 1 of Johnson County and purposes of property easement	In House Energy and Environment	03/09/2016 - House Scheduled Hearing in Energy and Environment: Monday, 3/14, 9:00 AM, Rm 582-N

SB 416 Senate Utilities Committee	Vehicle tire tax and abolishing the solid waste grants advisory committee	In Senate Utilities	02/09/2016 - Senate Referred to Utilities
SB 417 Senate Utilities Committee	Concerning utilities and the department of health and environment	In Senate Utilities	02/09/2016 - Senate Referred to Utilities
SB 459 Senate Federal and State Affairs Committee	Fire extinguisher inspections; fireworks manufacturers, distributors and display operations; license fees eliminated	On General Orders in Senate Above the Line in Senate	03/03/2016 - Senate Committee Report recommending bill be passed as amended by Federal and State Affairs
SB 463 Senate Ways and Means Committee	Abolishing the expanded lottery act revenues fund, the Kansas endowment for youth fund, the children's initiative fund, the state economic development initiatives fund, and the state water plan fund; all revenues into such funds go into the state general fund; duties of Kansas children's cabinet	In Senate Ways and Means	03/02/2016 - Senate Scheduled Hearing in Ways and Means: Tuesday, 3/8, 10:30 AM, Rm 548-S
SB 475 Senate Federal and State Affairs Committee	Requiring performance and payment bonds for certain public construction contracts	In Senate Ways and Means	02/22/2016 - Senate Referred to Ways and Means
SB 491 Senate Ways and Means Committee	Department of agriculture division of water resources; groundwater management; rules and regulations; court procedures; position of chief engineer; impairment	In Senate Natural Resources	03/08/2016 - Senate Referred to Natural Resources
SB 493 Senate Federal and State Affairs Committee	Providing for community finance fees and other administrative cost recovery fees for the department of commerce	In Senate Commerce	03/09/2016 - Senate Scheduled Hearing in Commerce: Tuesday, 3/15, 8:30 AM, Rm 548-S
SB 506 Senate Ways and Means Committee	Concerning economic development, HPIP credit and required training	In Senate Assessment and Taxation	03/09/2016 - Senate Referred to Assessment and Taxation
SCR 1608 Senate Transportation Committee	Constitutional amendment limiting transfers from the state highway fund	In Senate Ways and Means	02/03/2016 - Senate Referred to Ways and Means
HB 2019 House Vision 2020 Committee	Property tax levy for the Kansas educational building fund	In House Taxation	01/28/2015 - House Scheduled Hearing in Taxation: Wednesday, 2/4/2015, 3:30 PM, Rm 582-N
HB 2035 House Education Committee	Amending the tax credit for low income students scholarship program act	In House Education	01/20/2015 - House Referred to Education
HB 2036 House Vision 2020	Electricity and the sale of renewable energy	In House Energy and Environment	01/20/2015 - House Referred to Energy and

Committee			Environment
HB 2037 House Vision 2020 Committee	Renewable energy generation and tax exempt entities	In House Energy and Environment	01/20/2015 - House Referred to Energy and Environment
HB 2038 House Appropriations Committee	Appropriation revisions for FY 2015, FY 2016, FY 2017, and FY 2018 for various state agencies	In House Appropriations	01/20/2015 - House Scheduled Hearing in Appropriations: Wednesday, 1/21/2015, 9:00 AM, Rm 112-N
HB 2039 House Judiciary Committee	Domestic case management	In House Judiciary	01/21/2015 - House Scheduled Hearing in Judiciary: Wednesday, 1/28/2015, 3:30 PM, Rm 112-N
HB 2068 House Transportation Committee	Removing requirement that bicycles use path	In House Transportation	01/28/2015 - House Scheduled Hearing in Transportation: Thursday, 2/5/2015, 1:30 PM, Rm 582-N
HB 2156 House Agriculture and Natural Resources Committee	Public water supply storage; interest rate change	In Senate Natural Resources	02/25/2015 - Senate Scheduled Hearing in Natural Resources: Wednesday, 3/4, 8:30 AM, Rm 159-S
S Sub for HB 2177 House Energy and Environment Committee	Wildlife, parks and tourism; relating to licenses, permits and stamps; citations; disposal of seized wildlife; boating; safety education courses; certain sailboats	In Conference Committee	06/05/2015 - House Not subject to limitations of Joint Rule 4(k); Acceded; appointed Kleeb, Suellentrop and Sawyer
HB 2245 House Federal and State Affairs Committee	Amending procedure for cases involving groundwater	In House Agriculture and Natural Resources	02/10/2016 - House Scheduled Hearing in Agriculture and Natural Resources: Wednesday, 2/17, 3:30 PM, Rm 346-S
HB 2255 House Transportation Committee	Prohibiting the secretary of transportation from entering agreements or issuing bonds after December 31, 2014, for the transportation revolving fund and the communication systems revolving fund; repealing the intermodal transportation revolving fund	In House Transportation	02/11/2015 - House Scheduled Hearing in Transportation: Tuesday, 2/17, 1:30 PM, Rm 582-N
HB 2296 House Federal and State Affairs Committee	Cities and counties; public building commission; revenue bonds; election required	On General Orders in House	03/13/2015 - House Committee Report recommending bill be passed as amended by Local Government
HB 2314	Repealing the prohibition against agencies and	In House	02/12/2015 - House

Tom Burroughs, D-33rd	municipalities requiring contractors to enter into certain labor agreements for public works construction projects	Commerce, Labor and Economic Development	Referred to Commerce, Labor and Economic Development
HB 2317 Brandon Whipple, D-96th	Requiring employment of Kansas workers for certain state contracts and tax incentives	In House Taxation	02/13/2015 - House Withdrawn from Commerce, Labor and Economic Development; referred to Taxation
HB 2351 House Agriculture and Natural Resources Committee	Allowing conservation districts to sponsor local enhanced management areas	In House Agriculture and Natural Resources	03/05/2015 - House Withdrawn from Appropriations; rereferred to Agriculture and Natural Resources
HB 2407 House Federal and State Affairs Committee	State infrastructure projects; allowing for public private agreements	In House Federal and State Affairs	03/12/2015 - House Referred to Federal and State Affairs
HB 2414 House Federal and State Affairs Committee	Department of health and environment and economic impact reports for state implementation plans	In House Energy and Environment	03/18/2015 - House Referred to Energy and Environment
HB 2416 House Appropriations Committee	KPERS; definition of compensation for purposes of computing final average salary	In House Calendar and Printing	03/31/2015 - House Withdrawn from Commerce, Labor and Economic Development; referred to Calendar and Printing
HB 2481 House Agriculture and Natural Resources Committee	Clarifying approval of a change application for place of use for multi-year flex accounts	In House Agriculture and Natural Resources	01/20/2016 - House Referred to Agriculture and Natural Resources
HB 2486 House Education Committee	Creating the school district bond project review board	In House Education	03/09/2016 - House Scheduled Discussion (cont.) in Education: Friday, 3/11, 1:30 PM, Rm 112-N

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HB 2493 House Taxation Committee	Removing requirements that certain city and county budget increases be approved by a local vote	In House Taxation	01/21/2016 - House Referred to Taxation
HB 2510 House Vision 2020 Committee	Amendments to the state water plan	In House Agriculture and Natural Resources	01/27/2016 - House Withdrawn from Agriculture and Natural Resources and Vision 2020; referred to Agriculture and Natural Resources

HB 2519 House Transportation Committee	Approved uses from the state highway fund by the department of transportation	In House Appropriations	01/26/2016 - House Referred to Appropriations
HB 2528 House Transportation Committee	Increasing motor fuels tax by \$.05	In House Taxation	01/27/2016 - House Referred to Taxation
HB 2559 House Appropriations Committee	State agencies; minimum staffing levels; reports	In House Appropriations	01/28/2016 - House Referred to Appropriations
HB 2569 House Vision 2020 Committee	Adjustments to the property tax levy for the Kansas educational building fund	In House Vision 2020	02/03/2016 - House Scheduled Hearing in Vision 2020: Wednesday, 2/10, 9:00 AM, Rm 218-N
HB 2574 House Commerce, Labor and Economic Development Committee	Requiring employment of Kansas workers for certain state contracts and tax benefits	In House Commerce, Labor and Economic Development	01/29/2016 - House Referred to Commerce, Labor and Economic Development
HB 2598 Kevin Jones, R-5th	Limiting powers of rural water districts	In House Agriculture and Natural Resources	03/02/2016 - House Withdrawn from Appropriations; rereferred to Agriculture and Natural Resources
HB 2609 House Taxation Committee	Approval of budgets by taxing subdivisions; resolution and election requirements	In House Taxation	03/02/2016 - House Scheduled Hearings in Taxation: Pro - Wednesday, 3/9; Opp - Thursday, 3/10, 3:30 PM, Rm 582-N
HB 2623 House Energy and Environment Committee	Utilities and electric transmission lines	In House Energy and Environment	02/05/2016 - House Scheduled Hearing in Energy and Environment: Friday, 2/12, 9:00 AM, Rm 582-N
HB 2625 House Taxation Committee	Amending various STAR bond provisions and creating a new type of district and new administrative funds; amending the definition of eligible area for TIF districts	In House Taxation	02/08/2016 - House Referred to Taxation
HB 2649 House Energy and Environment Committee	Municipalities and assessments for energy efficiency improvements	In House Insurance and Financial Institutions	03/02/2016 - House Withdrawn from Appropriations; rereferred to Insurance and Financial Institutions
HB 2657 J. R. Claeys, R-69th	Requiring private water utilities to maintain water quality maintenance funds	In House Utilities and Telecommunications	02/10/2016 - House Referred to Utilities and Telecommunications
HB 2660 House Judiciary	Fee agencies, moneys transferred to the state general fund or special revenue	In House General Government Budget	03/02/2016 - House Withdrawn from Appropriations;

Committee	fund; notification to persons paying fees that moneys have been transferred		rereferred to General Government Budget
HB 2700 House Taxation Committee	Requiring certification by retirants that they have not entered into a prearranged agreement of employment prior to retirement and providing penalties for violations thereof	In House Pensions and Benefits	02/16/2016 - House Scheduled Hearing in Pensions and Benefits: Wednesday, 2/17, 9:00 AM, Rm 152-S
HB 2719 House Taxation Committee	Concerning local government; relating to certain taxing jurisdictions, approval of levies and bonds by electors or elected body	In House Taxation	03/09/2016 - House Scheduled Hearing in Taxation: Monday, 3/14, 3:30 PM, Rm 582-N
HB 2723 House Appropriations Committee	Implementing administrative cost recovery fees for department of commerce community finance, tax incentive and grant programs	In House Taxation	03/09/2016 - House Withdrawn from General Government Budget; referred to Taxation
HCR 5011 House Education Budget Committee	Foresight 2020 strategic plan	In House Education	02/03/2015 - House Referred to Education