

LEGISLATIVE NEWSLETTER

ACEC of Kansas

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The Legislature returned Monday from their week off and started the second half of the session. The looming tax and budget issues continue to dominate the attention of the legislature, compounded by the recent Supreme Court decision ruling the current formula for funding Kansas schools unconstitutional. There was much activity on items of interest to ACEC as well.

ACEC was the lead conferee at a hearing Thursday to review the Transportation recommendations in last year's Alvarez & Marsal (A&M) efficiency study. As you may recall, the A&M recommendations include two ideas we oppose. First, doing away with the state QBS law and moving to a lowest responsive bid system. Second, hiring 20 additional engineers at KDOT under the auspice that it is cheaper and more efficient than using the private sector. It was a good day in committee, with most legislators appearing receptive to our arguments against these two proposed changes. A big thanks to the following groups that added their testimony in support of QBS:

Kansas Society of Professional Engineers
National Society of Professional Engineers
APWA Kansas Chapter
American Society of Civil Engineers
AIA Kansas
Kansas Economic Progress Council
The Kansas Chamber
Lenexa Chamber of Commerce
Greater Kansas City Chamber of Commerce
Overland Park Chamber of Commerce

You can see a copy of the ACEC testimony here: [2017 ACEC A&M Testimony](#)

ACEC was also the lead conferee this week on HB 2201, providing testimony in strong opposition. HB 2201 would require the state to prove a *minimum* 10% savings before using the private sector for goods and services. The bill is so riddled with problems it's hard to know where to begin. The record keeping requirements would be onerous for both public agencies and consultants, it would put the state at odds with current state and federal QBS requirements, it's terribly difficult to compare private and public sector costs in apples-to-apples fashion, and it defaults against the private sector unless an (artificial) savings of 10% can be proven. Bad policy. Fortunately, we had a good day in committee. We do not anticipate progress on this bill, but we will continue to use every available resource to kill it.

You can see a copy of the ACEC testimony here: [ACEC Testimony to HB 2201](#)

The House Water & Environment Committee continues to work on a funding package for water investment. They have reviewed numerous bills and funding methods. There is optimism they will agree to a plan, but the chances of that plan successfully passing the full House continue to look slim. It is still encouraging that these conversations have taken place and been sustained this session. The need for additional water funding and the debate over how to provide it has been long overdue.

There was much movement on the transportation funding side as well. The House Appropriations Committee this week approved a budget with an additional \$400 million in bonding authority for KDOT. There is a long road ahead before that has final approval, but it survived efforts to remove it in the House Appropriations Committee. Two bills were introduced to raise the fuel tax. SB 224 would raise fuel tax by \$.05 and has a hearing in Senate Assessment

and Taxation next Friday. HB 2382 would raise fuel tax by \$.11 and is not scheduled for a hearing at this time.

There are two bills in play to reduce the requirements for an election when local units of government wish to raise taxes beyond the rate of inflation. HB 2376 will be heard in House Tax next Thursday, and SB 167 will be heard in Senate Assessment & Taxation Thursday.

There will be two more weeks of committee hearings, followed by a week of working bills on the floor in each chamber, followed by a week of conference committees. That will take the Legislature to First Adjournment. All the policy items above face tight timelines moving forward. Stay tuned...

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
Sub for SB 27 Senate Way and Means Committee	Appropriation revisions for FY 2017, FY 2018 and FY 2019 for various state agencies	In Senate Ways and Means	02/23/2017 - Senate Withdrawn from Calendar; rereferred to Ways and Means
SB 46 Senate Agriculture and Natural Resources Committee	Water conservation area findings, notice and management plans	In House Agriculture	03/08/2017 - House Scheduled Hearing in Agriculture: Monday, 3/13, 3:30 PM, Rm 582-N
SB 48 Senate Agriculture and Natural Resources Committee	Remedies for the impairment of a valid water right or permit to divert and use water	In House Agriculture	03/08/2017 - House Scheduled Hearing in Agriculture: Tuesday, 3/14, 3:30 PM, Rm 582-N
SB 55 Senate Federal and State Affairs Committee	Public construction contracts and performance and payment bonds	On General Orders in Senate	02/14/2017 - Senate Committee Report recommending bill be passed as amended by Commerce
SB 76 Senate Federal and State Affairs Committee	Professional occupations; restrictions on fees and licensing requirements	In Senate Federal and State Affairs	01/27/2017 - Senate Scheduled Hearing in Federal and State Affairs: Wednesday, 2/1, 10:30 AM, Rm 144-S
Sub for SB 97 Senate Assessment and Taxation Committee	Relating to taxation, income tax, rates, modifications; sales and compensating use tax, food, rates	In Senate Assessment and Taxation	02/23/2017 - Senate Withdrawn from Calendar; rereferred to Assessment and Taxation
SB 103 Senate Federal and State Affairs Committee	Secretary of State; political action committees prohibited	In Senate Ethics, Elections and Local Government	02/01/2017 - Senate Referred to Ethics, Elections and Local Government
SB 104	Lobbyists; restrictions on tickets to events and meals for legislators	In Senate Ethics, Elections and Local Government	02/01/2017 - Senate Referred to Ethics, Elections and Local Government

Senate Federal and State Affairs Committee			
SB 105 Senate Federal and State Affairs Committee	Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality	In Senate Ethics, Elections and Local Government	02/01/2017 - Senate Referred to Ethics, Elections and Local Government
SB 107 Senate Federal and State Affairs Committee	Authorizing the attorney general to establish a system of legal representation charges and collect such charges from state agencies	On General Orders in Senate	02/16/2017 - Senate Committee Report recommending bill be passed as amended by Federal and State Affairs
SB 116 Senate Assessment and Taxation Committee	Repealing certain obsolete or expired sections relating to taxation	On General Orders in Senate	03/09/2017 - Senate Withdrawn from Consent Calendar; placed on General Orders
SB 147 Senate Assessment and Taxation Committee	Under Kansas income tax act; providing rate changes and determination of Kansas adjusted gross income and sunseting certain modifications	In Senate Assessment and Taxation	02/23/2017 - Senate Withdrawn from Calendar; rereferred to Assessment and Taxation
SB 167 Senate Assessment and Taxation Committee	Property tax lid; cities and counties; repealed	In Senate Assessment and Taxation	03/08/2017 - Senate Scheduled Hearing in Assessment and Taxation: Thursday, 3/16, 9:30 AM, Rm 548-S
SB 175 Senate Assessment and Taxation Committee	Income tax, rates, modifications, credits; cigarettes and tobacco products, rates; alcoholic beverages, liquor enforcement, rates; business entities, filing fees	Killed in Senate	03/07/2017 - Senate Committee of the Whole: Committee Report be adopted; be further amended; be divided into five parts; Parts 1 (Sec. 11), 2 (Sec. 10) and 3 (Sec. 21) rejected; enacting clause be stricken, Yeas 37, Nays 1
SB 176 Anthony Hensley, D-19th	Kansas buy American act	In Senate Commerce	02/09/2017 - Senate Referred to Commerce
SB 177 Anthony Hensley, D-19th	Hiring Kansans first	In Senate Commerce	02/09/2017 - Senate Referred to Commerce
SB 194 Senate Ways and Means Committee	Amending groundwater management district water user charges	In Senate Agriculture and Natural Resources	02/15/2017 - Senate Referred to Agriculture and Natural Resources
SB 212	Directing the secretary of labor to submit a plan and negotiate an	In Senate Commerce	03/08/2017 - Senate Scheduled Hearing in Commerce:

Senate Assessment and Taxation Committee	agreement for state enforcement of OSHA standards		Wednesday, 3/15, 8:30 AM, Rm 548-S
SB 222 Senate Assessment and Taxation Committee	One-year moratorium on PEAK awards	In Senate Assessment and Taxation	03/08/2017 - Senate Scheduled Hearing in Assessment and Taxation: Thursday, 3/9, 9:30 AM, Rm 548-S
SB 223 Senate Assessment and Taxation Committee	PEAK qualification distance requirements established and retention provision sunset accelerated	In Senate Assessment and Taxation	03/08/2017 - Senate Scheduled Hearing in Assessment and Taxation: Thursday, 3/9, 9:30 AM, Rm 548-S
SB 224 Senate Assessment and Taxation Committee	Providing for a \$.05 increase in motor fuel taxes	In Senate Assessment and Taxation	03/08/2017 - Senate Referred to Assessment and Taxation
HB 2032 House Water and Environment Committee	Increasing fees credited to the state water plan fund	In House Water and Environment	03/09/2017 - House Scheduled Discussion and Possible Action in Water and Environment: Tuesday, 3/14, 9:00 AM, Rm 582-N
HB 2039 House Commerce, Labor and Economic Development Committee	Making the Kansas airport improvement program independent of the transportation works program	In House Commerce, Labor and Economic Development	01/31/2017 - House Scheduled Hearing in Commerce, Labor and Economic Development: Thursday, 2/2, 1:30 PM, Rm 112-N
Sub for HB 2052 House Appropriations Committee	Appropriations for FY 2017, FY 2018, FY 2019 and FY 2020 for various state agencies	In Senate Ways and Means	03/08/2017 - Senate Scheduled Final Action in Ways and Means: Monday, 3/13, 10:30 AM, Rm 548-S
HB 2066 House Water and Environment Committee	Public wholesale water supply districts and highway right-of-way	In Senate Agriculture and Natural Resources	03/07/2017 - Senate Scheduled Hearing in Agriculture and Natural Resources: Thursday, 3/9, 8:30 AM, Rm 159-S
HB 2082 House Taxation Committee	Property tax lid; cities and counties; repealed	In House Taxation	01/19/2017 - House Referred to Taxation
HB 2099 House Agriculture Committee	Relating to remedies for the impairment of a valid water right or permit to divert and use water	Stricken from Calendar in House	02/23/2017 - House Stricken from Calendar
HB 2100	Relating to water conservation areas	Stricken from Calendar in House	02/23/2017 - House Stricken from Calendar

House Agriculture Committee			
HB 2129 House General Government Budget Committee	Relating to an exception to department of administration energy audit requirements	In Senate Ways and Means	03/06/2017 - Senate Referred to Ways and Means
HB 2138 House Local Government Committee	State fire marshal; school lockdowns; rules and regulations	In House Local Government	01/25/2017 - House Referred to Local Government
HB 2153 House Judiciary Committee	Fee agencies, moneys transferred to the state general fund; notification to persons paying fees that moneys have been transferred	In Senate Judiciary	02/23/2017 - Senate Referred to Judiciary
HB 2185 House Commerce, Labor and Economic Development Committee	Restoring local control over wage requirements for construction projects	In House Commerce, Labor and Economic Development	02/20/2017 - House Withdrawn from Appropriations; rereferred to Commerce, Labor and Economic Development
HB 2190 House Energy, Utilities and Telecommunications Committee	Electric utilities and the sale of renewable energy	In House Energy, Utilities and Telecommunications	01/27/2017 - House Referred to Energy, Utilities and Telecommunications
HB 2201 House Federal and State Affairs Committee	Taxpayer empowerment, accountability and transparency in state contracting act	In House Federal and State Affairs	02/22/2017 - House Scheduled Hearing in Federal and State Affairs: Wednesday, 3/8, 9:00 AM, Rm 346-S
HB 2211 House Local Government Committee	Limiting campaign contributions to governor and lieutenant governor after second term inauguration	In House Elections	02/01/2017 - House Referred to Elections
HB 2227 House Taxation Committee	Property tax levy for the Kansas educational building fund	In House Taxation	02/01/2017 - House Referred to Taxation
HB 2237 House Taxation Committee	Concerning taxation; relating to income tax, rates, determination of income, tax credits; motor fuels tax, rates, trip permits, distribution; sales and compensating use tax, food and food ingredients	In House Taxation	02/02/2017 - House Referred to Taxation

HB 2241 House Water and Environment Committee	Creating the surface water protection fee and the irrigation water use fee and depositing such fees in the state water plan fund	In House Water and Environment	02/16/2017 - House Withdrawn from Taxation; rereferred to Water and Environment
Sub for HB 2272 House Water and Environment Committee	Establishing the Kansas water authority science and research subcommittee	In Senate Agriculture and Natural Resources	03/06/2017 - Senate Referred to Agriculture and Natural Resources
HB 2311 House Water and Environment Committee	Maintenance requirements for streambank stabilization and water quality protection projects	In House Water and Environment	02/09/2017 - House Scheduled Hearing in Water and Environment: Tuesday, 2/14, 9:00 AM, Rm 582-N
HB 2315 House Taxation Committee	Income tax, rates, modifications, credits; cigarettes and tobacco products, rates; alcoholic beverages, liquor enforcement, rates; business entities, filing fees	On General Orders in House	02/23/2017 - House Committee Report recommending bill be amended and reported without recommendation by Taxation
HB 2327 House Commerce, Labor and Economic Development Committee	Restoring local control over wages, benefits and other labor-related matters by regulation and in public construction contracts	In House Commerce, Labor and Economic Development	02/10/2017 - House Referred to Commerce, Labor and Economic Development
HB 2376 House Taxation Committee	Property tax lid; requiring cities and counties to publish notice of budget increase; election requirements	In House Taxation	03/08/2017 - House Scheduled Hearing in Taxation: Thursday, 3/16, 3:30 PM, Rm 346-S
HB 2382 House Taxation Committee	Providing for a \$.11 increase in motor fuel taxes; trip permits; distribution of revenues	In House Taxation	03/09/2017 - House Referred to Taxation