

LEGISLATIVE NEWSLETTER

ACEC of Kansas

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Week 9 saw significant activity at the Capitol. The most dynamic action was Senate passage of a rescission bill that would fix the state's budget hole for the current fiscal year. That passed last night on a vote of 27-13, and is widely expected to open the floodgate for progress on passing a budget for the next two fiscal years. As you all know, that will be a contentious undertaking with tax increases looking like a certainty and the latest school finance ruling from the Supreme Court adding additional pressures.

Committee activity continued at a brisk pace, with ACEC continuing to provide testimony on important issues.

Perhaps the best news of the week was the report by Representative JR Claeys (Chair of House Transportation and Public Safety Budget Committee) to the full House Appropriations Committee on the A&M efficiency study recommendations. You will recall from past reports that there were two troubling recommendations in the A&M report, one advising the state to do away with qualifications based selection (QBS) and the other advising the state to hire 20 additional engineers at KDOT under the auspice that they can do the work cheaper and more efficiently. As we reported last week, ACEC was the lead conferee in Chairman Claeys' Committee when they took comments on those recommendations. Chairman Claeys then brought his report to the House Appropriations Committee yesterday. Claeys said his committee recommended retaining the use of QBS and to ignore the recommendation for KDOT to hire 20 additional engineers. This is a fantastic result to a campaign that required a lot of work by a lot of stakeholder groups.

There were two bills (SB 167 and HB 2376) heard this week dealing with the current limitations on the ability of local units of government to raise taxes beyond the rate of inflation. HB 2376 is not as clear, has several complications, and is not likely to pass. SB 167 is the better bill, and ACEC testified in support of SB 167 this week. You can see a link to our testimony here: [SB 167](#)

There are also two bills pending that would increase the gas tax in Kansas. The gas tax is a constitutionally protected funding stream that goes directly to the highway fund and can't be swept by the Legislature. The ACEC position on a fuel tax increase is positive, but with a significant caveat. We are urging lawmakers to seek structural reform to the Kansas budget and tax plans which would allow for the renewal of the sales tax transfers that were originally intended to fund the T-Works program. If that part of the puzzle were figured out and the sales tax transfers were fully restored, the state might not need to look at alternate funding solutions. Having said that, ACEC testified in favor of SB 224 this morning. HB 2382 will be heard next Thursday. You can see a copy of ACEC's testimony on SB 224 here: [SB 224](#)

The House Water Committee continues to try to find agreement on a proposed funding formula for the state's water needs. HB 2241 looks like the most likely vehicle, but they do not yet have a consensus on what to include. It is looking unlikely that a comprehensive funding package will be passed in 2017, but stranger things have happened.

There are three weeks remaining until First Adjournment on April 7. Next week will be the last week of full committee activity. The week of April 27 will be spent with both chambers

debating bills on the floor. The final week will consist of conference committees as the two chambers try to hash out differences in their bills.

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	On General Orders in House	03/16/2017 - House Committee Report recommending bill be passed as amended by Agriculture
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	Passed in Senate	03/17/2017 - House Received and introduced
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 Senate Federal and State Affairs Committee	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
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	03/15/2017 - Senate Committee of the Whole: Be passed over and retain a place on the Calendar
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	03/15/2017 - Senate Scheduled Final Action in Agriculture and Natural Resources: Wednesday, 3/22, 8:30 AM, Rm 159-S
SB 212 Senate Assessment and Taxation Committee	Directing the secretary of labor to submit a plan and negotiate an agreement for state enforcement of OSHA standards	In Senate Commerce	03/15/2017 - Senate Scheduled Hearing (cont.) in Commerce: Thursday, 3/16, 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	03/13/2017 - Senate Scheduled Hearing in Assessment and Taxation: Friday, 3/17, 8:30 AM, Rm 548-S
SB 230 Senate Assessment and Taxation Committee	High performance incentive program, moratorium on income tax credits and sales tax exemptions	In Senate Commerce	03/16/2017 - Senate Referred to Commerce
SB 231 Senate Assessment and Taxation Committee	Promoting the employment across Kansas act; moratorium on the award of benefits	In Senate Commerce	03/16/2017 - Senate Referred to Commerce
HB 2032 House Water and Environment Committee	Increasing fees credited to the state water plan fund	In House Water and Environment	02/16/2017 - House Withdrawn from Taxation; rereferred to Water and Environment
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
S Sub for Sub for HB 2052 House Appropriations Committee	Appropriation revisions for FY 2017, FY 2018, FY 2019, FY 2020, FY 2021, FY 2022, FY 2023, FY 2024, and FY 2025 for various state agencies	Pending motion to concur	03/16/2017 - Senate Emergenced to Final Action: Passed as amended; Yeas 27, Nays 13
HB 2066 House Water and Environment Committee	Public wholesale water supply districts and highway right-of-way	On General Orders in Senate	03/14/2017 - Senate Committee Report recommending bill be passed by Agriculture and Natural Resources
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	Stricken from Calendar	02/23/2017 - House

House Agriculture Committee	areas	in House	Stricken from Calendar
HB 2129 House General Government Budget Committee	Relating to an exception to department of administration energy audit requirements	In Senate Ways and Means	03/13/2017 - Senate Scheduled Hearing in Ways and Means: Wednesday, 3/15, 10:30 AM, Rm 548-S
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	03/15/2017 - Senate Scheduled Hearing in Judiciary: Monday, 3/20, 10:30 AM, Rm 346-S
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	03/13/2017 - House Scheduled Discussion and Possible Action on substitute in Water and Environment: Tuesday, 3/14, 9:00 AM, Rm 582-N
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	03/15/2017 - House Scheduled Hearing in Taxation: Thursday, 3/23, 3:30 PM, Rm 346-S
HB 2389 House Federal and State Affairs Committee	Amendments to the Kansas amusement ride act	In House Federal and State Affairs	03/15/2017 - House Scheduled Hearings in Federal and State Affairs: Pro & Opp - Thursday, 3/23; Neu - Friday, 3/24, 9:00 AM, Rm 346-S
HB 2392 House Appropriations Committee	Repealing the local government infrastructure improvement projects loan program; abolishing the Kansas partnership fund	In House Appropriations	03/16/2017 - House Referred to Appropriations