

KANSAS SOCIETY OF PROFESSIONAL ENGINEERS
LEGISLATIVE REPORT

By Ron Gaches, Executive Director

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***Note: the opinions expressed herein are those of the author
and do not necessarily reflect the positions of KSPE unless noted.***

Budget Problems Top Agenda

The Kansas state general fund was in free fall much of the past 18 months, leading to five cuts in state spending in the past year. State support for public schools and higher education has been cut back to 2006 levels and reductions in social services spending has led to waiting list for services and a 10% reduction in Medicaid provider reimbursements. The gap between FY 2011 projected revenues and current spending requirements is an estimated \$400 million, leading Governor Parkinson to declare he will not support any further cuts in education, social services or corrections spending.

Governor Parkinson caught most folks by surprise with his endorsement of a one cent sales tax increase, along with the expected increase in tobacco taxes. Together they generate about \$385 million in new revenue. Most Democrat legislators oppose the sales tax increase because the impact on taxpayers is regressive, and most Republican legislators oppose it because it is a tax increase. The tobacco tax increase has a better chance of passage. Adding to the budget tension, business owners have recently received notice of significant increases in state unemployment compensation taxes.

Secretary of Revenue Joan Wagnon has expressed strong support for generating additional revenue by eliminating a number of current sales tax exemptions. At this point, we don't believe there is any serious threat to the business community nor to professional services (legal, engineering, banking, accounting, etc.) but several not-for-profits may lose their exemptions and sale taxes may end up being applied to personal services like dry cleaning, haircuts and such.

Meanwhile, conservative leaders in the legislature are committed to holding the line on taxes and looking for more efficiencies and cuts in state spending. Conservative Republicans control key leadership posts in the House, where all 125 members are up for reelection this year. Senate leadership is more moderate and senators don't face election until 2012, so there is a little less pressure in the upper chamber to hold the line on taxes and spending. However, several state senators are running for other offices, putting them in position to bring their campaigns to the Senate floor where controversial issues and difficult votes will lead to future campaign material.

Given this difficult environment, spending and tax policy will dominate the 2010 session. While most legislators seem already locked into their position on tax and spend issues, there is a growing consensus among many statehouse watchers that Republicans will not be able to find \$400 million to cut out of the current budget and the Legislature will be forced to raise some part of the \$400 million.

Opening for New Transportation Plan

Given the difficult budget situation it would be easy for transportation plan supporters to start making plans for working the issue next year. That could be a missed opportunity. KDOT Secretary Deb Miller and the Interim Transportation Committee have advanced two alternative financing plans that would allow passage of a new comprehensive plan without immediate tax increases. The first plan calls for removing the state sales tax exemption on motor fuels effective January 2013 and dropping the fuel gallonage tax rate by 5 cents per gallon: It would raise \$4.4 billion in new revenue over the life of the plan. The second plan calls for a 7 cent per gallon increase in the gallonage tax effective January 2013 and index the tax for inflation: It would raise \$3.7 billion in new money over the life of the plan.

The reason to be cautiously optimistic is because Senate leaders of both parties are strongly supportive of passing a new transportation plan and many legislators value the job creation aspect of recent comprehensive transportation programs. It is impossible to forecast what agreements might be made at the end of the session to generate the majority vote needed in the House and Senate to secure passage of the FY 2011 budget. We're working to make sure that passage of a new transportation program is part of that package.

State Purchasing Changes Proposed

A hearing will be conducted this Wednesday in House Appropriations on HB 2403, a proposal to encourage more outsourcing of state work and change the state procurement process for just about all services. Working with ACEC, we have been successful in persuading the bill's sponsor, Representative Marvin Kleeb to agree to an amendment that will leave the state QBS rules in place for procurement of engineering, architecture and land survey services. A similar bill, HB 2372, is held over from last year but doesn't seem to have much traction. We continue to closely monitor any proposal to change state purchasing laws.

Hearing on Repeal of County Land Survey Review

A hearing on SB 301 is set for Thursday in the Senate Federal and State Affairs Committee. The bill repeals several statutes that require land surveys filed with County Register of Deeds office to first be reviewed by another licensed Land Surveyor. The requirement was put into place prior to state licensure of Land Surveyors.

Prohibition on Texting While Driving

Several Bills have been introduced to prohibit texting and emailing while driving. Hearings were held last week in House Transportation Committee on HB 2439. The Senate Judiciary Committee will conduct a hearing on SB 351 this coming Thursday.

Need a Copy of a Bill? Click on the “blue” bill number on the bill status list below for a copy of the current bill and supplement (if available). For copies or status of other bills, go to www.kslegislature.org and use the “Quick Search” tools on the right hand side of the page. You can **Find Your Legislator** by using the link under Hot Items at the bottom of the www.kslegislature.org home page.

2010 Bill Deadlines -

- January 11th – last day for individual bill requests
- February 1st – last day for committee bill requests, except Exempt Committees
- February 3rd – last day for individuals to introduce bills
- February 5th – last day for Committees, except Exempt Committees, to introduce bills
- February 21st – last day to consider bills in House of Origin, except “Exempt bills”
- March 24th – last day for consideration of bills in second house, except “Exempt bills”
- April 6th – anticipated end of Regular Session
- April 28th – anticipated start of Veto Session

Kansas Legislature Website - Additional resources, including copies of other bills, roster of legislators, committee rosters, a link to identify your legislator and much more can be found at ... <http://www.kslegislature.org>

Bill Updates - Following is a list of bills of interest to KSPE members. Click on the bill number for an electronic copy of the bill. Please contact me via email at ron@gachesbraden.com or phone at 785-233-2121 if you have questions or to add a bill to our tracking list. NOTE: This is the second year of the biennial session and most of the bills below are carried over from the 2009 Session.

NOTE: To reduce the size of this report we are listing the Last Action only for each bill. For a more complete history of a bill go to www.kslegislature.org.

Bill Number and Sponsor	Bill Subject	Current Status	Last Action
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 59 Senate Transportation Committee	Motor vehicles; concerning the use of safety belts	In House Transportation	02/24/2009 - House Referred to Transportation
SB 65 Special Committee on Eminent Domain in	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

Condemnation of Water Rights			
SB 144 Senate Federal and State Affairs Committee	Planning and zoning; dealing with certain easements	In Senate Local Government	02/11/2009 - Senate Scheduled Hearing: Tuesday, 2/17/2009, 9:30 AM, Rm 446-N
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 185 Senate Agriculture Committee	Water rights; relating to abandonment and termination; due and sufficient cause for nonuse	In Senate Agriculture	02/19/2009 - Senate Withdrawn from Ways and Means; rereferred to Agriculture
SB 192 Dennis Pyle, R-1st	Income taxation; relating to credits; motor-fuel taxes paid by certain persons	In Senate Assessment and Taxation	02/04/2009 - Senate Referred to Assessment and Taxation
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
SB 295 Senate Ways and Means Committee	Blind and visually impaired persons; establishing the Motor Vehicle and Safe Mobility Committee; powers and duties thereof	In Senate Transportation	01/14/2010 - Senate Scheduled Hearing: Tuesday, 1/19/2010, 8:30 AM, Rm 152-S
SB 301 Senate Ways and Means Committee	Land surveys	In Senate Federal and State Affairs	01/20/2010 - Senate Scheduled Hearing: Thursday, 1/28/2010, 10:30 AM, Rm 144-S
SB 302 Senate Ways and Means Committee	Transportation; relating to intermodal transportation projects, and providing for the financing thereof	In House Transportation	03/24/2009 - House Referred to 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 351 Senate Ways and Means Committee	Crimes and punishment; prohibiting text messaging while operating a moving motor vehicle	In Senate Judiciary	01/20/2010 - Senate Scheduled Hearing: Thursday, 1/28/2010, 9:30 AM, Rm 548-S
SB 383 Senate Education Committee	Fire safety and fire prevention; relating to school buildings	In Senate Education	01/19/2010 - Senate Referred to Education
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	03/13/2009 - Senate Referred to Local Government
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
HB 2036 House Energy and Utilities Committee	State Corporation Commission; relating to studies and reports	In House Energy and Utilities	01/21/2009 - House Referred to Energy and Utilities
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	Historic preservation; pertaining to environs review	In House Local Government	02/24/2009 - House Withdrawn from Appropriations; rereferred to Local Government
House Local Government Committee			
HB 2124	Planning and zoning; dealing with certain easements	In House Local Government	02/17/2009 - House Withdrawn from Federal and State Affairs; referred to Local Government
House Local Government Committee			
HB 2129	Driver's licenses; concerning the classes thereof	In House Transportation	01/30/2009 - House Scheduled Hearing: Tuesday, 2/3/2009, 1:30 PM, Rm 783 DSOB
House Transportation Committee			
HB 2132	Regulating traffic; prohibiting the sending, reading or writing of text messages while operating a motor vehicle	In House Transportation	02/04/2009 - House Scheduled Hearing: Monday, 2/9/2009, 1:30 PM, Rm 783 DSOB
House Transportation Committee			
HB 2135	Regulating traffic; concerning traffic-control lights	In House Transportation	02/04/2009 - House Scheduled Hearing: Monday, 2/9/2009, 1:30 PM, Rm 783 DSOB
House Transportation Committee			
HB 2136	Drivers' licenses; requiring certain examinations for issuance or renewal of	In House Transportation	01/29/2009 - House Referred to Transportation
Peggy Mast, R-76th			
HB 2177	State water plan fund; relating to increasing fees that contribute to the fund	In House Energy and Utilities	02/02/2009 - House Referred to Energy and Utilities
House Appropriations Committee			
HB 2178	Abolishing the Kansas Turnpike Authority; transferring powers, duties and functions to the Kansas Department of Transportation	In House Transportation	02/04/2009 - House Scheduled Hearing: Thursday, 2/12/2009, 1:30 PM, Rm 783 DSOB
House Appropriations Committee			
S Sub for HB 2222	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	On General Orders in Senate	01/20/2010 - Senate Committee Report: Substitute be passed by Ways and Means
House Government Efficiency and Fiscal Oversight Committee			

HB 2238 House Commerce and Labor Committee	Construction contracts; relating to retention in public and private construction contracts	In House Commerce and Labor	01/21/2010 - House Scheduled Hearing: Thursday, 1/28/2010, 9:00 AM, Rm 784 DSOB
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 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	Nonconcurrent in House	01/20/2010 - House Nonconcurrent; Conference Committee requested; appointed Powell, Fund and Lukert
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 2301 House Commerce and Labor Committee	Public safety; relating to elevators, escalators, platform lifts, stairway chairlifts, dumbwaiters, moving walks, automated people movers and other conveyances	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	Transportation Development District Act;	In House Taxation	02/12/2009 - House

House Taxation Committee	relating to creation of district; requirements		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
HB 2403 House Appropriations Committee	Transparency and Accountability in Purchasing and State Spending Act	In House Appropriations	01/20/2010 - House Scheduled Hearing and Possible action: Wednesday, 1/27/2010, 9:00 AM, Rm 346-S
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 Committee	State educational institutions; relating to the acquisition of property and services	In House Education	01/13/2010 - House Referred to Education; Scheduled Hearing: Wednesday, 1/20/2010, 9:00 AM, Rm 711 DSOB
HB 2439 House Transportation Committee	Regulating traffic; prohibiting the sending, reading or writing of text messages while operating a motor vehicle	In House Transportation	01/14/2010 - House Referred to Transportation; Scheduled Hearing: Tuesday, 1/19/2010, 1:30 PM, Rm 783 DSOB

HB 2441 House Appropriations Committee	Crimes and punishment; prohibiting text messaging while operating a moving motor vehicle	In House Transportation	01/14/2010 - House Referred to Transportation
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