

KANSAS SOCIETY OF PROFESSIONAL ENGINEERS
LEGISLATIVE REPORT

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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.***

Legislature Completes 2010 Session

The Kansas House of Representatives passed HB 2650, the comprehensive transportation bill, Tuesday afternoon by a vote of 86 to 38. The House action followed Senate approval of the bill on Friday by a vote of 25-13.

Although the bill had a House Bill number, the transportation plan originated in the Senate and was placed in a House Bill to create the possibility of the House concurring in the Senate amendments to the bill rather than sending the bill to House Committee or to a Conference Committee. House Transportation Committee Chairman Gary Hayzlett made the expected motion to send the bill to Conference Committee (which would have killed the bill or extended the session for at least another day). Hayzlett's motion was defeated and the motion by Representative Margaret Long to accept the Senate amendments prevailed.

The new transportation plan authorizes spending of \$8.213 billion over ten years, compared to the 1999 plan of \$13.5 billion. \$5.486 billion of the funding stream is from existing revenue sources and \$2.727 billion is new revenue including \$1.7 billion in new bonding authority, \$1.536 billion in new sales tax revenue, and \$131 million in heavy truck registration fees. The new sales tax revenue includes approximately \$21 million in additional dollars for the first three years of the one cent sales tax increase used to balance the state budget, and, beginning the fourth year, 0.4 cents of sales tax on an ongoing basis.

The new bonding authority increases the cap from the current 14% of State Highway Plan revenues up to 18%. Included in the authorization is \$300 million of Build America Bonds which must be issued in FY 2011-2012 as part of the Federal ARRA package.

Rural counties are insured of significant benefit from the new plan as the minimum amount to be spent in each county over the life of the program has been increased from \$3 million in the last program to \$8 million in the new program.

How did your legislators vote?

The final action vote in the House on HB 2650 was: Yeas 86; Nays 38; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Jack, Johnson, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slatery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Goyle, Hayzlett, M. Holmes, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, Olson, Patton, Peck, Pottorff, Powell, Rhoades, Seiwert, Siegfried, Suellentrop, Vickrey, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Schwab.

If your state representative was a Yes vote, please contact them within the next week to thank them for their support of a new transportation plan.

The final action vote in the Senate on HB 2650 was: Yeas 25, Nays 13, Present and Passing 1, Absent or Not Voting 1.

Yeas: Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Bruce, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Pilcher-Cook, Pyle, Taddiken, Wagle.

Present and Passing: Brownlee.

Absent or Not Voting: McGinn. (Note - Senator McGinn was absent but presumed to be a Yes vote if she had been present)

If your state senator was a Yes vote, please contact them within the next week to thank them for their support of a new transportation plan.

Other Key Issues Resolved during Veto Session:

Business Taxes: All taxes targeting different parts of the business community were defeated, including an effort to decouple the state income tax from the federal Section 199 production deduction important to many engineering design firms. In the closing days of the session, a package of targeted business taxes was proposed in the Senate by Senator John Vratil to put some “skin in the game” for the business community, but the push back by business lobbyists was unusually strong and the package was withdrawn. The regressive nature of the 1 cent sales tax increase was softened on low-income Kansans by expansion of the Earned Income Tax Credit and easing of eligibility standards for the Refund on Sales Tax paid on Food.

Primary Seat Belts: In somewhat of a surprise breakthrough, a compromise Primary Seat Belt bill (HB 2130) was approved by a vote of 68 to 55 in the House and 29 to 8 in the Senate. However, the bill has the lowest fines of any Primary Seat Belt bill in the nation: \$5 (and no court costs) the first year and \$10 (and no court costs) the second and following years. Apparently, these minimum penalties will satisfy the federal requirement for significant fines and qualify Kansas for the \$11 million federal financial incentive for having PSB in place.

Texting Prohibition: As expected, a total prohibition from texting and emailing while driving was passed by strong majorities in both houses. The Senate approved 32 to 8 and the House approved 105 to 18. The penalty for first offense is \$60. The bill does not restrict traditional use of GPS or navigational devices nor does it prohibit talking on your cell phone while driving.

Expansion of Engineering Colleges: The following proviso specific to the Board of Regents was included in the final FY 2011 budget bill passed by both the Senate and House (read the highlighted language at the end) –

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality) \$3,385,596

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That, during fiscal year 2011, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2011 by the state board of regents as authorized by this or other appropriation act of the 2010 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2011 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further*, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That, during fiscal year 2011, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2011 by the state board of regents as authorized by this or other appropriation act of the 2010 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2011 for attendance at an out-of-state meeting by members of the state board of

regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That the above agency, working in conjunction with the University of Kansas, Kansas State University and Wichita State University, shall develop and provide a multi-year plan for accomplishing the necessary expansion in the engineering programs to alleviate the severe shortage of engineering graduates: *And provided further*, That the plan shall be submitted to the governor and the legislature on or before September 1, 2010.

To identify your legislators go to <http://www.kslegislature.org/legsrv-portal/redistricting.do>

To find your legislators' Statehouse phone number, email and Statehouse address go to <http://www.kslegislature.org/legsrv-portal/index.do> and look at the "Hot Items" at the bottom center of the page for "House Roster" and "Senate Roster."

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>
