

MINUTES OF THE HOUSE GENERAL GOVERNMENT BUDGET COMMITTEE

The meeting was called to order by Chairman Kevin Yoder at 1:30 P.M. on March 17, 2008 in Room 531-N of the Capitol.

All members were present except:  
Annie Kuether- excused

Committee staff present:  
Julian Efirm, Legislative Research  
Reed Holwegner, Legislative Research  
Melissa Doeblin, Office of Revisor of Statutes  
Melba Waggoner, Committee Assistant

Conferees appearing before the committee:  
Representative Joe Humerickhouse  
Gary Hibbs, Manager of Facilities Planning, Design and Construction for the Division of Facilities Management and the Department of Administration  
Trudy Aron, American Institute of Architects  
Eric King, Board of Regents  
Scott Heidner, lobbyist representing ACEA (Association of Consulting Engineers of America)  
Jerry Sloan, Budget Fiscal Officer  
Kathy Porter, Office of Judicial Administration  
Doug Smith, for the Kansas Credit Attorneys Association (KCAA) and the Kansas Collectors Association, Inc. (KCA)

Written Testimony only was received from:  
Richard Smith, Chief Judge of the Sixth Judicial District and Legislative  
and Chairman of the Kansas District Judge's Association

Others Attending:  
See attached list

Representative Lane made a motion to approve the minutes of Feb 25 & 26. Seconded by Representative Kelley. Motion carried.

**HB 2744: Procedures for state agencies to acquire architectural, engineering and land surveying services for certain projects for state agencies and setting fees for such services.**

The hearing for **HB 2744** was opened by Chairman Yoder.

The first proponent was Rep Humerickhouse, who gave a short background on the bill. The State Building Construction Committee was given charge last summer, by the Legislative Coordinating Council, to take a look at what the state is doing as far as engineering, land surveys and architectural work. The committee worked together with the Joint Facilities Team to write this bill

The next proponent was Eric King, Director of Facilities for the Board of Regents. He testified in his capacity as Chairman of the Joint Facilities Team. This group of individuals was originally established as one of Governor Sebelius' BEST teams, with the charge of identifying potential efficiencies and improvements related to planning and construction in state government. This group, consisting mainly of architects and planners, has met on a monthly basis for several years.

The Joint Facilities Team has spent much time and effort analyzing differences between statutes that relate to various design professionals. The team believes there are common problems and that the changes proposed in **HB 2744** will provide clarity and consistency. The key elements found in the bill are outlined in (Attachment 1).

The third proponent testifying, was Gary Hibbs, Manager of Facilities Planning, Design and Construction for the Division of Facilities Management and the Department of Administration. His testimony (Attachment 2) centered around the last portion of Eric King's testimony. Mr. Hibbs gave a detailed presentation regarding architect and engineer fees for building construction projects. He explained that the various state agencies in the Joint Facilities Team, have created products to help evaluate and negotiate fees for Architects and Engineers. These guidelines are shown in his written testimony (Attachment 2).

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Chairman Yoder asked several questions about the reviewing of fees guidelines and who is responsible. Mr Hibbs stated it is the intent of the bill that fees not be set in statute, but that the Secretary of Administration shall maintain published guidelines for fees. These guidelines would be reviewed periodically.

Julian Efirid explained that reviewing the guidelines is normally a delegated authority of the legislature. They delegate to the executive branch agency. You have to decide whether you want to delegate authority or not delegate authority. They can be reviewed by a legislative entity but not subject to their approval because then you're not truly delegating your authority to the executive branch agency.

Mr Hibbs explained that they bring information to the joint building committee. That committee thoroughly reviews it. They don't give approval but it is assumed that the fact, that it doesn't get thrown out, gives some authority to say they've accepted it.

Next proponent was Trudy Aron, Executive Director of the American Institute of Architect in Kansas. Her testimony is ([Attachment 3](#)). She stated that Kansas is the only state that has a fee schedule in statute. The current fee schedule in statute is inflexible. This new bill is something they have wanted for years. The American Institute of Architects fully supports this bill.

Scott Heidner, representing the Association of Consulting Engineers of America stated that they are also in agreement with this bill.

Representative Kelley asked if it is possible for a school to contract locally for a needed project, or do they have to go through the state. Mr Hibbs explained that construction projects need to go through the state and be put out for competitive bid (the lowest responsible bid). The state charges a fee for this process because they are a fee based agency. However this fee has nothing to do with this bill. They are entirely separate. This bill is only about fees for the private sector, architects and engineers which agencies are hiring to do their design work.

Representative Yoder asked if the fees in the bill are for setting maximum amounts. It was explained that they are not maximum amounts but that they are guidelines. The final fee can be more or less than the guideline, depending on the requirements of the job.

There was some discussion about hiring out of state firms. It is the intent of those designing this bill that local firms should be hired but they would also like to have the flexibility of hiring a nearby (for example Kansas City) firm when that firm has special expertise in the project being planned.

The motion was made by Representative Roth and seconded by Rep Lane, to report **HB 2744** favorably for passage. Motion carried.

**HB 2968: Increase docket fees by \$9 to fund nonjudicial salary increases.**

Proponent Jerry Sloan, Budget and Fiscal Officer, gave testimony on **HB 2968**. It will increase docket fees by \$9 and place the new money in the newly-established Judicial Branch Nonjudicial Salary Adjustment Fund to fund a nonjudicial salary increase in FY 2009 ([Attachments 4, 5, and 6](#)) In 2000 the Nonjudicial Salary Initiative provided for regular salary increases based on economic indicators. In spite of these increases, nonjudicial salaries have fallen short of the amount needed to remain competitive. The percentage increase required for FY 2009 in order to return to the competitiveness of their original pay is 15.75%.

([Attachment 7](#)) is a written resolution by the Kansas District Magistrate Judges Association. They are in support of this bill.

Proponent Richard Smith, Chief Judge of the Sixth Judicial District and Legislative Chairman of the Kansas District Judge's Association, gave written testimony only ([Attachment 8](#)).

Kathy Porter, Judicial – answered questions from the committee.

CONTINUATION SHEET

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Doug Smith from KCAA and KCA gave written testimony, with a short oral explanation. They agree with the need to increase nonjudicial salaries but they are fundamentally opposed to using dockets fees as a funding source for salaries. This is explained in (Attachment 9).

A motion was made by Representative Burroughs and seconded by Representative Roth to report **HB 2968** favorably for passage. Motion carried.

The meeting was adjourned at 3:07. Future meetings are on call of the Chair.