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LEAGUE NEWS



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1) League Names Deputy Director

We are excited to announce that Cindy Green will be joining the League as our deputy director on April 2!

Cindy has served as District Representative for U.S. Senator Jerry Moran since he took office in January 2011. Prior to this position she worked as Vice President of Government Affairs for the Kansas City Regional Association of Realtors. In addition, she has a background in banking, sales, and customer service.

She is a former Lenexa City Councilmember and Planning Commissioner. She also has been active in the chambers of commerce, serving as the Lenexa Chamber Chair of the Board in 2004, and Overland Park Chamber Government Affairs Chair in 2003. She is a graduate of Leadership Kansas, Leadership Lenexa, and Leadership Overland Park.

2) House to Consider Moving City Elections to Fall of Even Years Next Week

On Monday, the House Elections Committee amended Sub [SB 171](#) to move city elections to the fall of even years. They then passed the bill out of committee, and it will be debated by the full House next week. We anticipate an extremely close vote on this bill, so we strongly encourage you to contact your [representative](#) and ask that they oppose this legislation. Please consider LKM's [talking points](#) to address your specific areas of concern with the bill. The following are some concerns that have been voiced:

- There are only four states in the country that require all of their cities be on the same ballot as state and federal races. This is largely because legislatures understand that if city elections were held at the same time as state and federal races, local issues would be an afterthought to the party politics that attract the vast majority of media attention and campaign donations. This will occur regardless of where local elections are placed on the ballot.
- County clerks oppose this bill because of the complexity of administering two page ballots, the difficulty in staffing consolidated elections, the increase in ballot complexity, and the greater likelihood for voter error.
- New Section 1(b) appears to require that certain candidates elected in November of 2016 not take office until January 2018. Many do not think officials should have to wait 14 months to take the office to which they've been elected.

There are many ways to increase voter turnout that don't sacrifice voters' knowledge of local issues, like Saturday Election Days, same-day registration, and voting centers. One of the most effective alternatives is mail-ballot elections, which research indicates would increase turnout 20%-40% above current levels. Mail-ballot elections have a greater impact on voter turnout in municipal elections than general elections because the former receive less media attention.

3) House Pensions and Benefits Committee Passes Out HB-2253 to the Full House

Today, the House Pensions and Benefits Committee amended [HB 2253](#) to include the language we informed you about in our Legislative Alert (sent out March 18). The amended language can be found [here](#). The amendment would prohibit most retired employees returning to work for a KPERS employer from collecting their KPERS' benefits while working. In addition, the employee would be required to contribute to the KPERS tier 3 cash balance plan. The Committee did amend the language to include a grandfather clause exempting all those who are currently working after retirement. The Committee then passed out [HB 2253](#) favorable for passage to the full House. We will be following this bill closely and will provide further analysis once all of the amendments have been submitted in writing.

4) Senate Makes Significant Changes to Public Funds for Lobbying Bill

Yesterday, the Senate passed [SB 42](#). In its original form, [SB 42](#) would have required lobbyists to report the amount of public funds they receive from governmental entities. The League provided neutral testimony on the original bill.

The Senate significantly amended the bill on the floor. Under the amended bill,

lobbyists of associations receiving public funds for lobbying will also have to report the amount of public funds they receive. In addition, cities will have to publish an itemized list of all of the fees they pay:

- to employ or contract a lobbyist;
- for membership dues in an association that hires a lobbyist; and
- for membership dues in an association that has an affiliated organization.

Cities will also be required to publish an itemized list of all lobbyists they hire or contract to lobby and all lobbyists that work for an association or affiliated association that receives public funds from the city.

The League does not support the bill in its current form. None of the amendments to the bill had a hearing. As it is currently written, cities would have to publish membership dues to most organizations, including the Chamber of Commerce. In addition, cities will have to keep a current list of lobbyists employed by all associations, which would be unmanageable. We will keep you updated with the bill's progress.

5) Committee Passes Out Bill Restricting the Ability of Cities to Regulate Conceal Carry by Employees

On Tuesday, March 17, the Senate Federal and State Affairs Committee passed out SB 65 to the full Senate, favorable for passage. This bill would prohibit public employers from preventing an employee with a conceal carry license from carrying a concealed handgun outside of a public building while working for the municipality. Under current law, municipalities can, with a written personnel policy, prohibit an employee from carrying a firearm while in the course and scope of their job even if they have a conceal carry license. The League testified in opposition to this bill because the bill limits local control, of municipal employees.

6) KORA/KOMA Bill Passes Out of the Senate

Yesterday, the Senate, on a vote of 38 - 0, passed SB 98. In its original form, SB 98 would have required cities to provide 25 pages of free copies and one hour of free staff time for opens records requests. The bill also set limits on how much a city could charge for staff time and required cities to take minutes at every meeting in a format determined by the secretary of state.

The League met with Senator LaTurner and representatives from the Kansas Association of Counties, the Register of Deeds, and the Kansas Press Association on several occasions to come to a compromise on the bill. In the end, the Senate passed the bill with the compromise language. Now, cities will be able to continue to charge for all copies. Cities are limited, however, to charging not more than \$.25 per page for standard black and white copies. All other public records, such as color copies, etc., may continue to be charged at the rate it costs a city to produce them.

SB 98 also requires cities to charge for staff time at the lowest hourly rate of the person who is qualified to produce the public records. This means if a city clerk could produce the records, but the city manager does instead, the city can charge only for the city

clerk's salary. The one hour of free staff time and the limits on how much a city can charge have been removed from the amended bill.

Finally, [SB 98](#) now requires cities to take minutes at every meeting in a format determined by the presiding officer of the meeting. The language involving the secretary of state has been removed. The League will keep you updated on the bill's progress. Please contact [Nicole Proulx Aiken](#) if you have questions.

7) Round 4 of the Kansas Hometown Showdown is Underway!

Only 8 cities remain, and the last day to "like" your favorite photo is 11:59 p.m. CST, Sunday, March 22. Go to the Kansas Hometown Showdown – Round 4 photo album on [Facebook](#) to vote.

On Tuesday, March 24, Round 5 will start a new album with the final 4 cities. The "likes" will reset to zero for the new round.

8) Transload Facility Site Analysis

The Kansas Department of Commerce is working with the Kansas Department of Transportation (KDOT) and the Kansas Turnpike Authority on a project to identify potential sites and interest in the development of transload facilities in Kansas. Learn more about the project [here](#). Potential site questionnaires, found [here](#), are due to KDOT by 5:00 p.m., April 3, 2015.

9) Other Bills & Upcoming Hearings

Liquor Licensee Location Restrictions - On Wednesday, [Rep. Schwartz](#) amended the language of [HB 2162](#) into [HB 2331](#) on the House floor. This would allow any city to adopt an ordinance to authorize a retailer of alcoholic liquor, microbrewery, microdistillery, or farm winery to be located in a core commercial district within 200 feet of a college or church. Current law restricts those businesses from being within 200 feet of a college or church.

Municipal Audits – [SB 247](#) regarding municipal audits and increasing the triggering point for required municipal audits from \$275,000 to \$500,000, was heard and worked in the House Local Government Committee this week. The committee passed [SB 247](#) out favorably. We have reported on [SB 247](#) before; the prior articles can be found [here](#) and [here](#). The League supported [SB 247](#) in the Senate and will support it in the House.

Budget Notice Publications – The House Local Government Committee heard and worked SB 244, regarding budget hearing and budget vote publications. Our previous article on [SB 244](#) is available [here](#). [SB 244](#), as amended by the Senate, became very complex and confusing. The League and the Department of Administration presented proposed language changes to the House committee to make the bill more workable. The House Local Government Committee did make two changes to the bill. Even with the committee amendments, [SB 247](#) failed on a motion to pass it out favorably. [SB 244](#)

or a similar bill may still come back during conference committee action.

Tort Claims Act Notice Bill Passed Out to the Full Senate - On Thursday, the Senate Judiciary Committee passed out [HB 2246](#) for consideration of the full Senate. [HB 2246](#) is a bill that amends the Tort Claims Act to require that notice be given before a lawsuit can be filed against a public employee for acts done in the scope and course of their employment. The Kansas Supreme Court recently ruled, in *Whaley v. Sharp*, that a suit against a public employee in which the employer is not a party does not require any notice to the employer under the Tort Claims Act. [HB 2246](#) was introduced by the League and we will continue to work towards its passage by the full Senate.

Legislative Activities-March 23-27, 2015

Tuesday, March 24

Time	Committee	Location	Bill No.	Topic	Activ
1:00	S, AT	548-S	SB 234	State finances; relating to state general fund tax receipts and expenditures; providing a tax amnesty; creating a budget stabilization fund, tax reduction fund; ending balances; income tax rates, itemized deductions; reports to the legislature	Hea
	S, AT	548-S	SB 233	Increasing rates of taxation on cigarettes, tobacco products and alcoholic beverages	Hea

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