

[Full Version](http://lkm.org/leagueneews/2015/20) | <http://lkm.org/leagueneews/2015/20>

LEAGUE OF KANSAS MUNICIPALITIES



LEAGUE NEWS



VOLUME 20 – NUMBER 20 – MAY 22, 2015

PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES

Headlines (Click on the story title to go directly to that story)

- 1) [Report Moving City Elections Goes to Governor](#)
- 2) [Action on Tax Packages](#)
- 3) [Annexation Passes Senate](#)
- 4) [Update on FCC's Wireless Facilities Siting Policies](#)

1) Report Moving City Elections Goes to Governor

Yesterday, the House, by a vote of 64-58, voted to adopt the conference committee report for HB 2104. This report moves municipal and school elections from the spring to the fall of odd years. Once the Governor signs the report, it will become law.

A summary of the conference committee report may be found [here](#). Essentially, the report:

- Keeps elections non-partisan, with cities retaining the option to make them partisan.
- Moves elections to the fall of odd years, not even years, keeping them separate from state and nation elections.
- Does NOT include the Senate amendment limiting when bond and sales tax elections may be held.
- Addresses the concern of local governments that their form of government could be undone via a simple majority vote.

This issue has been hotly debated for several years, and it was only because of the outreach by city officials over that time that municipal elections retain their own cycle and may remain nonpartisan. Your engagement on the issue was fantastic, and we thank you for helping keep city elections from becoming an afterthought to the party politics that take place during even-year races.

This conference committee report, like so many other bills, is not a perfect piece of legislation. There are a number of transitional issues that remain unresolved, and the League will work closely with the legislature to address them. We welcome your input on making the transition as smooth as possible.

We know some members have strong feelings on both sides of this issue. If you would like to thank your representative for how they voted, you can view that information [here](#), and their contact information [here](#).

2) Action on Tax Packages

This past week resulted in a number of starts and stops in an attempt to develop a tax package by the House and the Senate. The House started the week with hearings on two new bills on Monday and Tuesday. [HB 2434](#) was heard on Monday. It would have capped the non-wage income exemption at \$150,000 for tax year 2015 and \$100,000 for tax year 2016 and subsequent years. On Wednesday the committee held a hearing on [HB 2435](#). [HB 2435](#) would remove the sales tax exemption for all direct and indirect purchases of tangible personal property used in public construction projects. This would result in cities paying state sales tax and any applicable local sales tax on all tangible personal property going into the project. The League, the Kansas Association of Counties, Kansas Association of School Boards, Kansas Municipal Utilities and the Kansas Hospital Association all testified in opposition to [HB 2435](#). A copy of the League's testimony is available [here](#). The committee has not taken any action on either bill.

The House also met on Tuesday to discuss a tax package proposal. The week ended without the House Tax Committee sending a tax package to the full House for action. The House Tax Committee is scheduled to meet next week.

The Senate Tax Committee was successful in formulating a tax passage (Senate [Sub HB 2019](#)) which they passed out of committee, without recommendation on passage, on Tuesday. The Senate had planned to work the bill Thursday afternoon. It was pulled from floor action at the last minute to allow staff time to prepare the large number of amendments That were going to be posed during floor debate.

The Senate tax package still contains [SB 259](#), which seriously alters the method of

valuation and assessment of motor vehicles. If adopted with [SB 259](#) in it, [HB 2109](#), would result in an increase in property tax dollars available to schools, this is done with a significant decrease in property tax revenues available to local governments, including cities. By fiscal year 2020, the estimated loss for local governments is \$170 million.

Action Requested: When talking with your legislators please ask them to:

- Oppose [HB 2435](#), the bill to repeal the public building sale tax exemption, because of the negative fiscal impact on cities because of the increases in costs to construction projects represented by the sales tax; and,
 - Oppose the adoption of [SB 259](#) or any bill containing it because of the negative impact that it has upon local property tax receipts.
-

3) Annexation Passes Senate

On Thursday the Senate adopted the conference committee report on [HB 2003](#) concerning island annexation of city owned property. As reported last week, the conference committee agreed to remove the Senate amendments regarding unilateral annexation. With the removal of the Senate amendments the League no longer opposes [HB 2003](#). The conference committee report will most likely be considered by the House next week and if approved, the bill would go to the governor for signing.

4) Update on FCC's Wireless Facilities Siting Policies

Last October, the Federal Communications Commission (FCC) adopted a "[Report and Order](#)" that takes steps to increase broadband deployment. This Order related to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), which prohibits local governments from denying eligible facilities' requests to modify existing wireless towers or stations if the modification does not substantially change the dimensions of the facility. On May 5, 2015, the Office of Management and Budget (OMB) gave its approval to three outstanding information collection requirements associated with the Order. (When the policies were first adopted, the 30 day, 10 day and deemed granted letters of the FCC's 6409(a) order were not effective until OMB reviewed and approved these under the Paper Work Reduction Act.)

The newly approved requirements provide:

- In order to toll the Order's 60-day review timeframe on grounds that an application is incomplete, the reviewing local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and

specifically delineating all missing documents or information.

- Following a supplemental submission from the applicant, the local government will have 10 days to notify the applicant in writing if the supplemental submission did not provide the information identified in the local government's original notice delineating missing information. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- If a request is "deemed granted" because of a failure to timely approve or deny the request, the "deemed granted" remedy does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired that the application has been "deemed granted."

OMB's approval was published in the Federal Register and became effective May 18, 2015. These newly established requirements are in addition to other wireless siting rules that became effective April 8, 2015. If your city deals extensively with requests to modify existing wireless towers or stations, we strongly advise that you share this information with your city attorney and make any necessary changes to your city's approval process for modification requests.

[View as PDF](#)

© League of Kansas Municipalities

[Follow @LeagueKSMunis](#)

For subscription changes, address changes, comments or suggestions, contact Nikki Harrison at nharrison@lkm.org

[About LKM](#) – [Site Map](#) – [Staff Email Addresses](#)



300 SW 8th Avenue, Topeka, KS 66603-3951
P. (785) 354-9565 • F. (785) 354-4186 • www.lkm.org