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LEAGUE NEWS



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1) LEGISLATIVE ALERT: Hearing Next Wednesday to Make City Elections Partisan, Combine with State and Federal Races

Next Wednesday, the Senate Committee on Ethics and Elections will hear a bill that would make all city elections partisan, and place those races on the same ballot as state and federal elections in November of even years. The League opposes this bill based on its interference in local elections, its limitation of potential candidates, and its potential impact on the quality of city government. If your city opposes this bill, please consider speaking at the hearing or submitting written testimony. To submit written testimony, please send your testimony to [Tami Martin](#), by close of business on Monday. If you would like help drafting testimony, please feel free to contact us at 785-354-9565. The League is still waiting to view the bill; a draft of the bill and the bill number are not available.

You can view the League's full talking points [here](#), but below are some of our major objections to this legislation:

- Making local elections partisan would unnecessarily insert party politics into local government. Also, because of the federal Hatch Act and Department of Defense directives, it would prohibit federal employees and active duty military from running for local office. These individuals are often our most dedicated public servants.

- Although combining elections would engage a larger proportion of the electorate in local races, it would come at the direct expense of the electorate's awareness of local issues. Bundling elections would make city races an afterthought to the party politics that attract the vast majority of media attention and campaign donations.

There are better ways to increase voter turnout that engage more Kansans in local races without sacrificing their awareness of local issues. For example, if county election officers were authorized to use all-mail ballot elections for local races, it would increase turnout just as much as combining elections, save Kansas taxpayers millions of dollars, and diminish the impact of weather on voter turnout.

2) KORA Bill Would Mandate Fees Cities Could Charge

On Tuesday, the Senate Federal and State Affairs Committee will hold a hearing on [SB 98](#). [SB 98](#) would mandate the fees cities could charge for open records requests. Under the bill, cities could not charge for records requests containing fewer than 25 pages. If a request exceeded 25 pages, a city could charge \$.25 for each additional page. In addition, cities could not charge for the first hour of staff time designated to an open records request. Requests requiring more than one hour of staff time could be charged at the following rates: (1) \$18 per hour for clerical time; (2) \$38 per hour for IT time; and (3) \$60 per hour for attorney time. The bill also would require cities to take minutes at every meeting in a format determined by the secretary of state.

The League opposes this bill and will testify against it. We encourage cities concerned about the bill to also testify or submit written testimony. Please contact [Nicole Proulx Aiken](#) if you would like more information on the bill or the process for submitting testimony.

3) House Version of Body Worn Camera Bill to Have Hearing

[HB 2137](#), which would enact the police and citizen protection act, is set for hearing next week. The hearing will be in the House Corrections and Juvenile Justice Committee on Tuesday, February 10, at 1:30 p.m., in room 152-S. This bill has several requirements concerning the use of body cameras by law enforcement officers. As written, [HB 2137](#) requires most police officers to use body cameras when interacting with the public. The bill also creates certain notice requirements as well as mandatory data storage and liability issues for failure to meet the requirements. Many cities across the state already use body cameras. The League does not object to their use, however, the League opposes the unfunded mandate that [HB 2137](#) would create.

4) Annexation Bill Passed by Full House

On Wednesday, February 4, the full House debated [HB 2003](#). There was one amendment from the floor that was approved by the body. The House then took final action on the bill on Thursday, February 5, and approved [HB 2003](#) as amended.

In its original form, [HB 2003](#) would have required a county commission to unanimously

approve all annexations of land that did not adjoin the city, including city-owned property. The original bill also required the county commission to make a finding that the annexation would not cause manifest injury to the owners of the land surrounding the property to be annexed. League staff worked with the proponent of the bill. The amended version, as passed out of committee and approved by the House, now requires only a 2/3 vote of the county commission instead of a unanimous vote. In addition, the bill no longer requires the county commission to make a finding that the annexation would not cause manifest injury to the owners of the land surrounding the property to be annexed.

The amendment on the House floor adds highway right-of-way language to the bill. It does not appear to make any major changes. The League will continue to follow this bill as it now moves to the Senate for consideration.

5) The League Invites Cities to Participate in the 2015 Kansas Hometown Showdown!

Cities are eligible to go head to head in our photo contest to see whose photo receives the most likes! Winners from each round will be chosen based on the number of likes your city's photo receives on The [League's Facebook](#) page.

Only the first 64 cities entered will be able to participate. The winner will get their photo placed on the cover of the *Kansas Government Journal*! Voting for the round of the first half of 64 will begin the week of February 17, and we will announce the winner on the day of the Men's Basketball Championship, April 7.

To register and upload your photo, click [here](#).

6) Other Bills & Upcoming Hearings

Alcohol in Grocery Stores - Next week, the House Commerce, Labor and Economic Development Committee will hold a hearing on [HB 2200](#). This bill would allow grocery stores to sell alcohol. At this time, proponents are scheduled to testify on Wednesday, opponents on Thursday, and the Committee will hear neutral testimony on Friday. The League does not have a position on whether the state should allow grocery stores to sell alcohol. The League is concerned, however, about losing sales tax from the decline in sale of cereal malt beverages. [HB 2200](#) addresses this concern by establishing a local cereal malt beverages sales tax fund. Under the bill, three percent of the revenue from alcohol sales tax would be credited to a local cereal malt beverage fund to be provided to cities based on a weighted population average. The League will be providing neutral testimony on this bill.

Massage Therapy License - On Monday, the House Health and Humans Services Committee will hold a hearing on [HB 2123](#). This bill establishes a state licensure process for massage therapists. Currently, only cities regulate massage therapists. The League does not have a position on whether the state should license massage therapists. We are testifying in opposition to section 12 of the bill, however, because it preempts a city's ability to maintain professional licensing requirements for massage therapists.

Increase in Interest Rate on Delinquent Property Taxes - On Monday, the House Taxation Committee will hold a hearing on [HB 2167](#). [HB 2167](#) would amend current law to increase

the interest paid on delinquent property taxes from the amount stated in K.S.A. 79-2968, to that amount plus five percent per annum. Before 2014 the interest rate was that stated in K.S.A. 79-2968 plus two percent per annum. In 2014, the Legislature reduced the delinquent tax interest rate by removing the two percent surcharge. The League supports this bill.

Seat Belt Safety Fund - The House Transportation Committee scheduled a hearing on [HB 2157](#) for Tuesday, February 10, at 1:30 p.m., in room 582-N. HB 2157 creates the seat belt safety fund to be administered by the secretary of transportation. The fund will be used for education and promotion of the use of safety restraints in vehicles. Under this bill, seat belt fines will increase from \$10 to \$60. Municipal courts will still not be able to charge court costs. \$40 of the fine would be submitted to the state for distribution under K.S.A. 74-7336. In the end, if [HB 2157](#) becomes law, a seat belt violation will result in \$20 of fine revenue for cities, instead of \$10 under current law. The League is monitoring this bill.

De minimis Abandoned Property - On Tuesday, the House Taxation Committee will hold a hearing on [HB 2196](#). This bill amends current law regarding abandoned personal property and permits cities to use or dispose of property valued at \$20 or less as it sees fit. The League supports this bill.

KORA Bill Exempts Certain Records - On Thursday, the Senate Corrections and Juvenile Justice Committee will hold a hearing on [SB 128](#). This bill exempts online public agency records that identify the home address or home ownership of a municipal judge, city attorney, or assistant city attorney from the Kansas open records act, when an individual in one of these positions requests it. The League supports this bill.

Internet Publication Bill - On Tuesday, a House Local Government Subcommittee is holding an informational briefing on [HB 2237](#). This bill would allow cities to designate an internet website as its official publication source. The League is a proponent of this bill and will provide the subcommittee with information concerning cities' publication costs.

Amending the Small Multipurpose Lakes Program – This week, the Senate Natural Resources Committee held a hearing on [SB 64](#). [SB 64](#) amends the Small Multipurpose Lakes Program (SMLP), which was created to take drinking water from small lakes that were originally created for flood control or other purposes. The state pays for land acquisition, engineering and construction costs, and recoups those costs by charging water users for the water. Current law requires that the state charge a minimum of four percent interest on its costs. [SB 64](#) would eliminate that four percent floor. The League submitted written testimony in support of this legislation because of its potential cost-savings for cities participating in the SMLP. Next week, an identical bill will be heard in the House Committee on Agriculture and Natural Resources.

Legislative Activities-February 9-13, 2015

Monday, February 9

Time	Committee	Location	Bill No.	Topic	Activity
8:30	S, Com	548-S	SB 84	Cities; rehabilitation of abandoned property; definitions, other	Heari contin
9:00	H, PB	152-S	HB 2095	Issuing \$1.5 billion of pension obligation bonds to finance a portion of the unfunded actuarial liability of KPERS	Discu possil
	H, PB	152-S		Working after retirement	Discu
1:30	H, EI	281-N	HB 2212	City political committees	Heari

	H, HHS	546-S	HB 2123	Massage therapist licensure act	Heari
3:30	H, ANR	346-S	HB 2156	Public water supply storage; interest rate change	Heari
	H, Tax	582-N	HB 2167	Increasing interest rate on delinquent real property taxes	Heari
	H, TrPSB	142-S		Kansas Department of Transportation - Staff & Agency	Prese

Tuesday, February 10

Time	Committee	Location	Bill No.	Topic	Activit
8:00	H, LG Subcommittee on HB 2237	281-N	HB 2237	Municipalities; use of internet as official publication	Inform heari
8:30	S, Com	548-S		Rural Opportunity Zones - Chris Harris, Kansas Department of Commerce	Prese
	S, Tr	546-S	SB 94	Unlawful passing of waste collector; penalties	Heari
9:00	H, FSA	346-S	HB 2088	Alcoholic beverages; issuance of citations by the division of alcoholic beverage control	Final :
	H, UT	582-N	HB 2219	Prohibiting use of a wireless communication device while operating a motor vehicle; exceptions; penalties	Heari
	H, UT	582-N		An overview of the 911 Coordinating Council's annual report. Give an update on the progress of Next Generation 911 in Kansas - Walt Way, Chairman, 911 Coordinating Council	Prese
	H, VMHS	152-S	HB 2155	Extending employment protection to certain military service members who are employed in Kansas	Heari
10:30	S, FSA	144-S	SB 98	Open records, charges limited; open meetings; minutes required	Heari
	S, Ju	346-S	SB 133	Possession or consumption of alcoholic beverage by minor; immunity from liability for minor seeking medical assistance needed due to alcohol consumption	Heari
1:30	H, CJJ	152-S	HB 2137	Enacting the police and citizen protection act; relating to use of body cameras by law enforcement officers	Heari
	H, Tr	582-N	HB 2157	Creating the seat belt safety fund and increasing the fine for adult seat belt violations	Heari
	S, Ut	548-S		Overview of post audit 911 - Scott Frank, Legislative Post Audit; Update on 911 Coordinating Council Activities - Walt Way, 911 Coordinating Council	Prese
3:30	H, ANR	346-S	HB 2156	Public water supply storage; interest rate change	Discu possil
	H, ANR	346-S	HB 2063	Amending the definition of project in the public water supply project loan program	Heari
	H, Ju	112-N	HB 2198	Possession or consumption of alcoholic beverage by minor; immunity from liability for minor seeking medical assistance needed due to alcohol consumption	Heari
	H, Tax	582-N	HB 2196	De minimis abandoned property	Heari
	H, TrPSB	142-S		Kansas Department of Transportation - Staff & Agency	Prese contin
	H, TrPSB	142-S		Kansas Department of Transportation - Staff & Agency	Comn recor
	S, KPERS			Proposals regarding pension obligation bonds	Heari

Wednesday, February 11

Time	Committee	Location	Bill No.	Topic	Activit
9:00	H, V2020	218-N		State water plan funding and program needs	Discu
1:30	H, CLED	346-S	HB 2200	Alcoholic beverages; expansion of retailer's licenses and the transfer thereof	Heari (prop
	H, HHS	546-S	HB 2123	Massage therapist licensure act	Discu possil
	S, Ut	548-S		Kansas Attorney General review of state legal issues for energy	Prese

Thursday, February 12

Time	Committee	Location	Bill No.	Topic	Activit
9:00	H, UT	582-N		City of Wichita State Water Agenda - Alan King, Director of Public Works and Utilities	Updat

9:30	S, CJJ	118-N	<u>SB 128</u>	Creating an exception to the Kansas opens records act for municipal judges and city attorneys	Heari
10:30	S, FSA	144-S	<u>SB 45</u>	Authorizing the carrying of concealed handguns without a license under the personal and family protection act	Heari
1:30	H, CJJ	152-S	<u>HB 2218</u>	Amending burglary to exclude premises that are the time open to the public	Heari
	H, CLED	346-S	<u>HB 2200</u>	Alcoholic beverages; expansion of retailer's licenses and the transfer thereof	Heari (oppo
	H, Tr	582-N	<u>HB 2188</u>	Driver's licenses; requiring entering into a payment plan for certain individuals to receive restricted driving privileges when license has expired while on suspension	Heari
	H, Tr	582-N	<u>HB 2195</u>	Providing for increased penalties for right-of-way violations	Heari
	S, Ut	548-S	<u>SB 109</u>	Emergencies and disasters and the Kansas disaster utilities response act	Heari
3:30	H, ANR	346-S	<u>HB 2227</u>	Creating water conservation areas	Heari
	H, FI	152-S	<u>HB 2259</u>	Amending the county and municipal statement of indebtness reporting	Heari
	H, Ju	112-N	<u>HB 2159</u>	Expungement of DUI diversions and misdemeanor convictions; removing diversions from habitual violator considerations	Heari
	H, Tax	582-N	<u>HB 2168</u>	Property tax exemption and classification for property used for bed and breakfast purposes	Heari

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