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

- [1\) Property Tax Lid Update](#)
- [2\) Wireless Telecom Siting Bill](#)
- [3\) Senate Passes Conceal Carry by Public Employees Bill](#)
- [4\) Electric Transmission Right-of-First-Refusal Bill](#)
- [5\) Enter the Kansas Hometown Showdown](#)
- [6\) House and Senate Budget Updates](#)
- [7\) Insurance Proceeds Bill Sent to the Full Senate](#)
- [8\) Bill to Address Working After Retirement](#)
- [9\) Bill to Assist in Redevelopment of Contaminated Property](#)
- [10\) Email Inbox Spam Alert](#)
- [11\) KDHE Accepting Applications for the Waste Tire Program](#)
- [12\) Upcoming Hearings](#)

## 1) Property Tax Lid Update

The property tax lid is still a popular topic in the Capitol and several bills have been introduced on the issue. Here is a list of the bills and the primary impact to the original legislation.

- [SB 316](#) moves up the effective date and eliminates several exemptions.
- [HB 2493](#) repeals the original bill.
- [HB 2609](#) changes the index from Consumer Price Index to Municipal Cost Index, adds several exemptions that were included in the 1990's tax lid and allows a protest petition.
- Bills were introduced in House and Senate that contain no language at this time but are available to use for compromise language.

The hall talk in the Capitol is that hearings are to be scheduled the first week of March. Several cities have created an analysis of their budgets and mill levies since the 1990s to share with their legislators, educate their citizens and share with the local media. These analyses can also be used as written testimony when hearings are scheduled. The

League's talking points are still available and can be downloaded [here](#).

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## 2) Wireless Telecom Siting Bill

The Senate Utilities Committee heard [SB 401](#) earlier this week. This bill would create a statewide framework for the siting of wireless telecommunications equipment, including small cell facilities. The League believes that how the bill is currently drafted limits cities' control of access to their right-of-way and public buildings. It also limits the recovery of costs incurred by the city in the application process, as well as the ability to receive fair market value for the use of the right-of-way and space on public buildings.

After the hearing, the committee's chairman directed interested parties to try and work out differences. The League participated in a nearly five-hour meeting on Wednesday, and we have found several areas where the wireless industry and municipalities can reach agreement. Several issues remain, however, and the committee is expected to give final consideration to the bill next Tuesday.

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## 3) Senate Passes Conceal Carry by Public Employees Bill

On Thursday, February 11th, the full Senate passed [S Sub SB 65](#) to the House. The bill combines two gun related bills that were introduced last session. This new bill removes the ability of public employers to regulate the conceal carry of handguns by their employees. Under current law, a municipality can prohibit an employee from carrying a concealed handgun while working outside of a public building. This bill will require that all municipalities remove such a prohibition from their personnel policies. This restriction would only apply to public employers and not to private businesses.

Additionally, this bill would allow for the prohibition of conceal carry in specific portions of public buildings, without the requirement to secure and prohibit weapons from the entire building. This portion of the bill is very similar to [HB 2440](#). The League has supported this type of language as a means to provide flexibility to municipalities and limit taxpayer expense.

The League believes that decisions concerning employment matters are a local concern and should not be subject to state mandates. As a result, the League continues to oppose the portion of this bill that eliminates a municipality's local control of employees.

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## 4) Electric Transmission Right-of-First-Refusal Bill

Earlier this morning in the House Committee on Energy and Environment, the League testified in opposition to [HB 2623](#). The bill would provide incumbent electric companies a "right of first refusal" for the building of transmission capacity, regardless of the cost of their plans. As a result, incumbent utilities would have little incentive to be cost-efficient in their proposals.

## 5) Enter the Kansas Hometown Showdown

The Kansas Hometown Showdown brackets are filling up! We currently have 37 of the 64 brackets filled. Submit your city photo [here!](#)

The first 64 cities to submit a photo will be eligible to participate in the contest. Each city photo will go head-to-head with another 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 our Facebook page.

The contest winner will have their photo placed on the cover of a future issue of the Kansas Government Journal and, of course, also earn bragging rights. To submit your photo and for more rules go to <http://lkm.org/showdown/>.

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## 6) House and Senate Budget Updates

On Thursday February 11th, the House moved forward with passing [S Sub for HB 2365](#), the appropriations revisions for fiscal years 2016, 2017 and 2018. Shortly before passage the Kansas Supreme Court ruled the block grant funding to schools unconstitutional and gave the legislature until June 30th to fix the funding issue. The budget passed did not address school funding, although discussions were held about the need to rework the bill to account for the ruling.

On Thursday evening, the Senate began debate on [S Sub for HB 2365](#), which included multiple amendments. Sen. Denning amended the bill with language concerning STAR bonds. As written, the Department of Commerce would be prevented from reviewing or approving any STAR bond project requests (or expansion of existing projects). This prohibition would cover the remainder of this fiscal year (through June 30) and the next fiscal year (through June 30, 2017). The House & Senate conference committee will now meet to work out the differences in their budgets, so it is too early to say whether this provision will be sent to the governor.

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## 7) Insurance Proceeds Bill Sent to the Full Senate

On Wednesday, February 10th, the Senate Financial Institutions and Insurance Committee took action on [SB 370](#) and passed the bill out to the full Senate with a recommendation for passage.

[SB 370](#) concerns the ability of municipalities to place a lien on insurance proceeds for damaged structures to assure the buildings are repaired or removed. The current law allows for such liens to be filed against claims for damage caused by fire, explosion or windstorm. [SB 370](#), which was introduced by the League, would expand the process to include all covered claims for damage to a structure in excess of 75% of the face value of the insurance policy. By making this amendment a municipality will be able to pursue liens against any loss regardless of the cause as long as the owner has insurance in place that covers the damage. As an example this would include seismic and flood damage if the owner has the insurance coverage and the damage is in excess of 75% of the face value of those policies. Under current law a municipality would not be able to file a lien

on proceeds from these types of losses.

The League will continue to follow this bill and provide updates as it progresses. If you have any questions concerning [SB 370](#), please contact [Eric B. Smith](#).

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## 8) Bill to Address Working After Retirement

On Tuesday, February 9th, [HB 2653](#) was introduced and referred to the House Pensions and Benefits Committee. Beginning July 1, 2016, retirees who are hired again from a participating employer are not allowed to receive retirement benefits if compensated above a set cap. The bill would allow for an assurance protocol to be filed by a municipality in order to extend an exemption from the cap for a retiree who is filling a hardship position. Such an extension would be provided if specified criteria are met.

A hearing has been scheduled for this upcoming Monday, February 15th. The League will offer testimony in support of the bill. If you have any questions concerning this bill, please contact [Brock Ingmire](#).

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## 9) Bill to Assist in Redevelopment of Contaminated Property

On Wednesday, February 10th, the League testified in support of [SB 365](#) in the Senate Commerce Committee. This bill would provide a mechanism to allow real property with environmental contamination to be purchased without the purchaser being held liable for cleanup costs, if purchased after July 1, 2016. This bill would also include the establishment of the Contaminated Property Redevelopment Fund in the Kansas Department of Health and Environment (KDHE), to assist municipalities in the redevelopment of contaminated properties. Notably, KDHE has indicated that Brownfields revolving loan funds would be used to offer low-interest loans and grants to municipalities to help with the contamination removal.

The League will monitor this bill and keep you informed of its progress. If you have any questions concerning this bill, please contact [Eric B. Smith](#).

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## 10) Email Inbox Spam Alert

In the past week, it has come to our attention that correspondence sent from the League to a few email accounts, most notably Gmail accounts, have been arriving in account spam folders. If you are concerned as to whether or not you are receiving League news, information, and other associated alerts, please check your spam folder and ensure appropriate settings are in place to receive the League's communication in your inbox.

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## 11) KDHE Accepting Applications for the Waste Tire Program

KDHE's Waste Tire Program is now accepting grant applications. Among other things,

this program allows funds to be used towards the purchase of waste tire-derived products (i.e., playground cover, park benches, picnic tables, and running tracks). Applications are considered by the Solid Waste Grants Advisory Committee. Only Kansas local units of government and public and private schools may apply for these grants. If awarded, the grant will pay up to 50% of the eligible cost in the awarded project; the match requirement is a minimum of 50%. For more information, visit [www.kdhe.gov/waste/forms\\_grants.html](http://www.kdhe.gov/waste/forms_grants.html).

## 12) Upcoming Hearings

### Legislative Activities-February 15-19, 2016

#### Monday, February 15

| Time | Committee | Location | Bill No.                | Topic   | Activi         |
|------|-----------|----------|-------------------------|---|----------------|
| 9:00 | H, EE     | 582-N    |                         | EPA's Proposed Clean Power Plan - Jeff Chanay, Chief Deputy Attorney General  | Pres           |
|      | H, PB     | 152-S    | <a href="#">HB 2653</a> | Striking sunset to KPERS school working after retirement exception and extending certain working after retirement exceptions upon submission of an assurance protocol and allowing retirants to return to work for a different participating employer when such employer pays a 30% contribution rate | Hear           |
| 9:30 | S, CJJ    | 118-N    | <a href="#">SB 376</a>  | Amending law enforcement duties concerning missing person reports   | Final          |
|      | S, CJJ    | 118-N    | <a href="#">SB 367</a>  | Amendments to the juvenile justice system   | Final          |
| 1:30 | H, CLED   | 346-S    | <a href="#">HB 2576</a> | Prohibiting cities or counties from adopting employee scheduling policies for private employers   | Discu<br>possi |
|      | S, Ut     | 548-S    | <a href="#">SB 412</a>  | Water district No. 1 of Johnson County and purposes of property easement  | Hear           |

#### Tuesday, February 16

| Time  | Committee | Location | Bill No.                | Topic  | Activi          |
|-------|-----------|----------|-------------------------|--|-----------------|
| 8:30  | S, Com    | 548-S    |                         | Star Bond Annual Report by Secretary Antonio Soave and Robert North, Chief Attorney, Kansas Department of Commerce   | Infor<br>briefi |
| 9:00  | H, FSA    | 346-S    | <a href="#">HB 2549</a> | Request for law enforcement assistance from foreign jurisdictions  | Final           |
| 10:30 | S, Ju     | 346-S    | <a href="#">SB 415</a>  | Legislative review of exceptions to disclosure of public records   | Hear            |
|       | S, WM     | 548-S    |                         | Efficiency Study Final Report, Alvarez and Marsal & Efficiency Study Recommendations (Procurement, Insurance, Miscellaneous, Alvarez and Marsal)   | Infor<br>briefi |
| 1:30  | H, CLED   | 346-S    |                         | Six State Efficiency Study Recommendations Assigned to House Commerce  | Pres            |
|       | H, LG     | 281-N    | <a href="#">HB 2558</a> | Regulation of election campaign workers  | Hear            |
|       | H, LG     | 281-N    | <a href="#">HB 2642</a> | Planning and zoning; platted lots subdivided; notice and public hearing  | Hear            |
|       | H, Tr     | 582-N    | <a href="#">HB 2470</a> | Citations for overtaking and passing a school bus captured on camera   | Hear            |
| 3:30  | H, Ju     | 112-N    | <a href="#">HB 2024</a> | Domestic battery; sentencing   | Briefi          |
|       | H, Ju     | 112-N    | <a href="#">HB 2639</a> | Enacting the emergency observation and treatment act; using licensed crisis recovery centers for emergency observation and treatment of persons with mental illness, substance use disorders and co-occurring conditions | Hear            |

#### Wednesday, February 17

| Time | Committee | Location | Bill No.               | Topic  | Activi          |
|------|-----------|----------|------------------------|--|-----------------|
| 8:30 | S, Com    | 548-S    | <a href="#">SB 338</a> | Rehabilitation of abandoned property by cities   | Final           |
|      | S, Com    | 548-S    | <a href="#">SB 366</a> | Prohibiting price controls on the purchase or sale of private residential or commercial property | Hear            |
| 9:00 | H, PB     | 152-S    |                        | Alvarez and Marsal Efficiency Study  | Infor<br>briefi |

|       |                |       |                                |  |                 |
|-------|----------------|-------|--------------------------------|--|-----------------|
| 9:30  | <b>S, AT</b>   | 548-S |                                | Efficiency Study Recommendations - Alvarez and Marsal  | Infor<br>heari  |
|       | <b>S, CJJ</b>  | 118-N |                                | A&M Efficiency Studies   | Infor<br>heari  |
| 10:30 | <b>S, FSA</b>  | 144-S | <a href="#"><u>SB 421</u></a>  | Carrying a concealed handgun in a public building; restricted access entrance  | Hear            |
|       | <b>S, WM</b>   | 548-S |                                | Efficiency Study Recommendations (Education and Real Estate), Alvarez and Marsal   | Infor<br>briefi |
| 1:30  | <b>H, CLED</b> | 346-S | <a href="#"><u>HB 2595</u></a> | Reserving regulation of consumer incentive items and nutrition labeling for food menu items in restaurants and vending machines to the legislature | Hear            |
|       | <b>H, Tr</b>   | 582-N | <a href="#"><u>HB 2644</u></a> | Overweight exception for haulers of grain and certain other agricultural goods   | Hear            |

**Thursday, February 18**

| <b>Time</b> | <b>Committee</b> | <b>Location</b> | <b>Bill No.</b>                | <b>Topic</b>   | <b>Activi</b>   |
|-------------|------------------|-----------------|--------------------------------|--|-----------------|
| 8:30        | <b>S, Com</b>    | 548-S           | <a href="#"><u>SB 365</u></a>  | Enacting the contaminated property redevelopment act                                   | Final           |
| 10:30       | <b>S, WM</b>     | 548-S           |                                | Efficiency Study Recommendations (Social Services and Corrections), Alvarez and Marsal | Infor<br>briefi |
| 3:30        | <b>H, IFI</b>    | 218-N           | <a href="#"><u>HB 2649</u></a> | Municipalities and assessments for energy efficiency improvements                      | Hear            |

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