

# LEAGUE NEWS

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Shane Bartley, editor

## 911 Bill Up for Debate

The House Utilities Committee held hearings this week on enhanced wireless 911. The League and the Kansas Association of Counties, along with representatives of public safety agencies and other local government entities, testified in support of the HB 2476. This bill reflects the conference committee report which was agreed to on the last night of the 2003 session, but was never brought up for a vote.

In short, the bill imposes a \$.50 fee with \$.25 being paid to local PSAPs (through LKM and KAC serving as a local collection point administrator). The other \$.25 is sent to a grant fund to be administered by the Secretary of Administration. Wireless carriers are authorized to recover their costs on their bills. Some carriers are already recovering

their costs in this manner. Sprint, for example, has imposed a \$.40 fee nationwide to recover their enhanced 911 costs.

Despite the fact that the wireless industry signed off on the LKM-supported language last year, the industry introduced its own proposal this week. As in past years, their proposal authorizes wireless carriers to retain half of the funds received from the 911 tax. LKM, and all of the members of the local government coalition, strongly oppose the retention of public tax dollars by a private company in this manner.

The House Utilities Committee will be debating and taking action on this issue next week. LKM will send out a legislative alert if the bill makes it out of committee and is considered by the full House and Senate.

## League Tax Bills To Get Hearings

Last session, the League asked for the introduction in the House of three bills that would have a direct impact on local revenues. All three of these tax bills have been scheduled for hearings before the House Assessment and Taxation Committee on Tuesday, January 27, 2004 at 9:00 a.m. in room 519-S of the State Capitol. We believe that these three pieces of legislation will provide significant alternative revenue sources for cities and counties who find themselves strapped for operating funds in these hard economic times, especially in light of the loss of the demand transfers in 2003.

**HB 2285** would remove the present statutory cap on the amount of local sales tax that cities and counties can impose. The bill permits the governing body of a city or county to pass an ordinance or resolution to establish an appropriate sales tax rate, and then a vote of the electors of the city or county would be required to approve the imposition of the sales tax.

**HB 2284** allows for the establishment of a local option income tax. The tax would "piggy back" on the Kansas state income tax, and therefore would not require a new tax code. The maximum rate that any city or county could impose would be set at 5% of the net tax due

the state. Again, the city or county governing body would set the tax rate, and a vote of electors of the city or county would then be required to approve the imposition of the local income tax.

**HB 2344** removes the prohibition concerning cities and counties imposing a tax on vehicle motor fuels, and permits a city or county governing body to establish and levy a motor fuels tax of not more than \$0.03 per gallon on all motor fuels, special motor fuels and LG-gas. As with both of the other tax proposals, a vote of the electors of the city or county would be required to approve the local motor fuels tax.

If your city would like to see one or all of these initiatives pass to allow more funding options for cities in Kansas, you may sign up to testify on one or all by calling the committee secretary at 785-368-7166 and getting your name on the list. Written testimony is required for anyone choosing to speak to the committee. As an alternative to testifying, a city may submit only written testimony to the committee chair for distribution to the committee. Written testimony should be sent to: Honorable John Edmonds, House of Representatives, State Capitol, 171-W, Topeka, KS 66612.

## New Legislation Proposed for Liquor Control Act

After hearing testimony on both sides of the issue during an interim committee this past year, SB 305 has been introduced to make the Liquor Control Act uniform. The bill would also allow for the Sunday sale of packaged liquor and cereal malt beverage. In addition, it would preempt cities from adopting any ordinances "more restrictive than, conflicting with or contrary or supplemental to" the provisions of the act. This would have the effect of eliminating any ordinance that does not mirror state law. The League will be opposing this bill.

SB 305 has yet to be scheduled for a hearing in the Senate Federal and State Affairs committee. This legislative action is the result of a number of cities adopting charter ordinances to allow for Sunday packaged liquor sales. The Supreme Court has heard oral arguments in the Unified Government/Edwardsville case on whether or not the Liquor Control Act is uniform and a decision is expected perhaps as early as January or February. It is unclear what effect the current court case will have on the legislative progress of SB 305.

# Security Advisory



## American Water Works Association

vulnerabilities across critical infrastructure sectors. These utilities have generally received short notice through the state homeland security office to prepare for the visit. More inspections such as these are planned throughout the year.

If your utility is approached by DHS or others, AWWA recommends consulting with local law enforcement and your state DHS office to ensure the individuals are not misrepresenting themselves.

During their visits, the inspecting teams – called “High Value Target Teams”—have asked to view sensitive security information, including

The American Water Works Association (AWWA) has learned that inspectors contracted by the Department of Homeland Security (DHS) are visiting select water utilities as well as chemical plants and certain other installations as part of an effort to better understand

vulnerability assessments. Utilities should be aware that neither the Bioterrorism Act nor the Homeland Security Act require utilities to release vulnerability assessments to anyone other than the administrator of the U.S. Environmental Protection Agency (EPA.) AWWA recommends that utilities think carefully and consult with their legal counsel, state homeland security authorities or state drinking water primacy agency before sharing any sensitive information pertaining to security. While federal law does not prohibit utilities from voluntarily sharing vulnerability assessments and other security information, utilities should also consider state laws before sharing sensitive information. A number of utilities contacted by DHS have declined to share sensitive security information.

AWWA is working cooperatively with EPA and the DHS on security issues, and is mindful of the importance of providing appropriate information to federal officials. However, AWWA has not been consulted by DHS concerning these inspections and has not endorsed this project in any way. If you have questions regarding this matter, please contact AWWA’s Government Affairs office at (202) 628-8303.

## Grant Funds for the Federal Bulletproof Vest Partnership Program Available

Governor Kathleen Sebelius and the Kansas Criminal Justice Coordinating Council are pleased to announce the availability of grant funds for the Federal Bulletproof Vest Partnership Program. The application process is now open. Visit the Office of Justice Program’s website, <http://vests.ojp.gov>, to apply for these grant funds.

**Applicant Eligibility:** Only chief executives of jurisdictions (or their designees) may apply for funds. Jurisdictions are defined as general purpose units of local government or federally-recognized Indian tribes.

**Beneficiary Eligibility:** Only law enforcement officers may receive vests through this program. “Law Enforcement Officer” means any officer, agent, or employee of a State, unit of local government, or an Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

Below is a list of general job categories determined to be eligible for this program:

- Police Officers
- Sheriff Deputies
- Judicial Officers
- Prosecutorial Officers
- Transit Authority Police
- Fire Marshals
- Arson Investigators
- State Patrol Officer, Troopers
- Park, Conservation Police
- Traffic and Code Enforcement Officers
- Liquor Control/Authority Investigators
- Juvenile Probation Officers
- Adult Parole and Probation Officers
- Police Chaplains

- Adult and Juvenile Jail, Detention Center and Correctional Institution Officers
- State, County and City College and University Police

The following categories are generally considered outside the scope of the Act and are ineligible:

- Federal Employees
- Vests for K-9 dogs
- Private College and University Police
- Emergency Medical Personnel
- Fire and Rescue Personnel
- Private Correctional Officers or private police officers under contract with a Local, State, or Tribal government to provide related services.

For more information call Toll Free 1-877-75-VESTS or 1-877-758-3787, or email [vests@ojp.gov](mailto:vests@ojp.gov).

City Hall Day at the Capitol is quickly approaching! Send in your reservations now!

January 29, 2004  
Topeka, KS



For a flyer/registration form about the event (along with a map), contact LKM at (785) 354-9565 or download it at <http://www.lkm.org/legislative/city-hall-day.html>.

## Important Scheduled Hearings--January 20-23

### Tuesday (1/20)

8:30	423-S	S,Ag	<b>SB 296</b> --Renaming the Dept. of Ag and transferring certain powers and duties
9:00	231-N 519-S	H,Ut H,Tax	Consideration of E-911 legislation Briefing on property tax and appraisal related issues
1:30	313-S  423-S	H,FSA  S,ELG	<u>Interim Reports:</u> <b>SB 305</b> --Liquor control act and cereal malt beverage laws; uniformity, Sunday sales; and <b>House Sub for SB 9</b> --Native American tribal law enforcement officers; jurisdictions Staff presenting summary of the <i>Cole v. Mayans</i> Supreme Court decision
3:30	231-N	H,Env	Review of the Kansas Water Congress - Dave Brenn, Executive Director

### Wednesday (1/21)

8:30	423-S	S,Ag	<b>SB 296</b> --Renaming the Dept. of Ag and transferring certain powers and duties
9:30	123-S	S,Ju	<b>SB 158</b> --Moratorium on imposition of death penalty <b>SB 291</b> --Motor vehicles; limitation on definition of moving violation <b>SB 297</b> --Permanent docket fee to fund the Judicial Council
10:30	519-S	S,AT	<b>SB 85</b> --Eliminate property tax exemption for property utilizing wind resources and technologies to produce energy
1:30	Memorial Hall	H,Tr  S,Tr	Joint meeting with Senate Transportation Committee KDOT overview and future funding needs Joint meeting with House Transportation Committee
3:30	526-S	H,EE	<b>HB 2520</b> --Campaign finance; allowing candidate to sign reports in lieu of treasurer

### Thursday (1/22)

8:30	527-S  423-S	S,Tr  S,NR	Staff reports on recommendations of interim committees affecting transportation Debriefing: Implementation of 2001 <b>SB 2004</b> "Water Quality Standards"-KDHE
9:00	519-S	H,Tax	Briefing on property tax and appraisal related issues
9:30	123-S	S,Ju	<b>SB 299</b> --Kansas surety recovery agents act <b>SB 298</b> --Creation of docket fees for garnishments <b>SB 291</b> --Motor vehicles; limitation on definition of moving violation <b>SB 297</b> --Permanent docket fee to fund the Judicial Council <b>HB 2293</b> --Sheriff's fee for service of process
10:30	123-S  231-N	S,WM  S,FSA	<u>Briefing and update on:</u> Comprehensive Transportation Plan by Deb Miller, Secretary, KDOT <u>Briefing on:</u> <b>SB 305</b> --Liquor control act and cereal malt beverages laws; uniformity, Sunday sales
3:30	231-N	H,Env	Review of the recommendation and report of the Kansas National Resource Legacy Alliance-Shelia Frahm, Chairperson

### Friday (1/23)

8:30	423-S	S,NR	<u>Debriefing on:</u> Implementation of 2001 <b>SB 204</b> "Water Quality Standards" - KDHE Staff
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