

# LEAGUE NEWS

2005 League News | Volume 10 | Number 1 | January 14, 2005 | Shane Bartley, Editor

A League of Kansas Municipalities Publication / 300 SW 8th Avenue • Topeka, KS  
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## 1) Home Rule Comes Under Attack -- Immediate Action Required

The Constitutional Home Rule authority of cities has been scheduled for a hearing next week. **HCR 5001** (<http://www.kslegislature.org/bills/2006/5001.pdf>) will be heard on Thursday, January 20, at 3:30 p.m. in the Governmental Organization and Elections Committee (Room 519-S). The bill alters constitutional Home Rule regarding the number of classes the Legislature can establish for the purposes of taxation. However, because the bill opens up the Constitutional Home Rule Amendment itself, all Home Rule powers of cities would be on the table for debate, amendment, and even repeal. The danger of this type of legislation hitting the House Floor cannot be overstated. It is absolutely critical that this legislation be stopped in committee.

We are, therefore, asking city officials to take action immediately! Please consider signing up to testify in opposition to this constitutional amendment. To testify, contact the committee secretary, Maureen Stinson at [MaureenS@house.state.ks.us](mailto:MaureenS@house.state.ks.us) or (785) 296-6014.

If you are unable to testify, please contact members of the House Governmental Organization and Elections Committee and ask them to keep the bill in committee. Members of the Committee are as follows:

|                         |                |  |
|-------------------------|----------------|--|
| Vickrey, Jene, Chair    | (785) 296-6014 | <a href="mailto:Vickrey@house.state.ks.us">Vickrey@house.state.ks.us</a> |
| Huy, Bonnie, Vice Chair | (785) 296-7644 | <a href="mailto:Huy@house.state.ks.us">Huy@house.state.ks.us</a>         |
| Beamer, Virginia        | (785) 296-7693 | <a href="mailto:Beamer@house.state.ks.us">Beamer@house.state.ks.us</a>   |
| Craft, Barbara          | (785) 296-7692 | <a href="mailto:Craft@house.state.ks.us">Craft@house.state.ks.us</a>     |
| Goico, Mario            | (785) 296-7667 | <a href="mailto:Goico@house.state.ks.us">Goico@house.state.ks.us</a>     |
| Huebert, Steve          | (785) 296-7500 | <a href="mailto:Huebert@house.state.ks.us">Huebert@house.state.ks.us</a> |
|                         |                |  |

|                                |                |  |
|--------------------------------|----------------|--|
| Miller, Frank                  | (785) 296-7646 | <a href="mailto:Miller@house.state.ks.us">Miller@house.state.ks.us</a>               |
| Oharah, Lynne                  | (785) 296-7674 | <a href="mailto:Oharah@house.state.ks.us">Oharah@house.state.ks.us</a>               |
| Otto, Bill                     | (785) 296-7636 | <a href="mailto:Otto@house.state.ks.us">Otto@house.state.ks.us</a>                   |
| Swenson, Dale                  | (785) 296-7654 | <a href="mailto:Swenson@house.state.ks.us">Swenson@house.state.ks.us</a>             |
| Yonally, Jim                   | (785) 296-7654 | <a href="mailto:Yonally@house.state.ks.us">Yonally@house.state.ks.us</a>             |
| Holland, Tom, Ranking Minority | (785) 296-7665 | <a href="mailto:Holland@house.state.ks.us">Holland@house.state.ks.us</a>             |
| Faust-Goudeau, Oletha          | (785) 296-7669 | <a href="mailto:Faust-Goudeau@house.state.ks.us">Faust-Goudeau@house.state.ks.us</a> |
| Lane, Harold                   | (785) 296-7690 | <a href="mailto:Lane@house.state.ks.us">Lane@house.state.ks.us</a>                   |
| Miller, Melody                 | (785) 296-7680 | <a href="mailto:Millerm@house.state.ks.us">Millerm@house.state.ks.us</a>             |
| Sawyer, Tom                    | (785) 296-7687 | <a href="mailto:Sawyer@house.state.ks.us">Sawyer@house.state.ks.us</a>               |
| Storm, Sue                     | (785) 296-7650 | <a href="mailto:Storm@house.state.ks.us">Storm@house.state.ks.us</a>                 |

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## 2) 2005 Legislature Underway

The 2005 Legislature has completed its first official week of work. On the heels of the Supreme Court decision directing the Legislature to increase spending for schools in Kansas, budget and tax issues will once again be at the forefront of legislative debate. In addition, a number of key issues for cities will be on the table for consideration. Those include:

- **Constitutional Home Rule Amendment.** See story above regarding the proposal to amend the Constitutional Home Rule authority of cities.
- **Annexation.** There were a number of attempts last year to limit the unilateral annexation authority of cities. In fact, one such attempt, which would have limited annexation authority in Sedgwick and Shawnee counties, passed both houses of the legislature and had to be vetoed by the Governor to prevent it from becoming law. We will likely see a number of annexation proposals this year as well.
- **Eminent Domain.** The ability of cities to use eminent domain authority for economic development has come under question and will likely be a source of contention this year as well. The U.S. Supreme Court is also dealing with this issue, so it is our hope that the Kansas Legislature will wait to take up the issue until after the Supreme Court has issued its opinion on the matter.
- **Alcoholic Liquor and One Strength Beer.** There are likely to be a number of proposals regarding the recodification of the alcoholic liquor statutes and the possibility of a local option to do away with the distinction between beer which can be sold in convenience stores and beer which can be sold in liquor stores.
- **Franchise Authority.** Several bills have been introduced regarding the ability of cities to franchise electric, gas, phone, and cable companies. These bills will likely be debated in the House and Senate Utilities Committees this year.
- **Taxes.** There are always a variety of tax issues with local implication on the table and this year should be no exception. It is quite possible that we may even see a proposal for a tax and/or spending lid.

LKM will endeavor to keep you informed about legislative issues as they come. For the latest information, check out our website at [www.lkm.org](http://www.lkm.org) or contact us at (785) 354-9565.

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### 3) Governor and the Kansas Criminal Justice Coordinating Council Announce Grant Funds

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 Program will open for new applications on Monday, January 10, 2005 through Thursday, March 10, 2005. 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. The Bulletproof Vest Partnership Program requires that funding priority be given to jurisdictions with populations under 100,000. However, last year, funds were sufficient to support 10% of the total application values from jurisdictions with populations at or more than 100,000, so all eligible applicants are encouraged to apply.

**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, 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 grant 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).

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| <b>4) Legislative Activities -- January 18-21</b> |           |          |          |   |                                  |
|---|-----------|----------|----------|---|----------------------------------|
| <b>Tuesday, January 18</b>                        |           |          |          |   |                                  |
| Time  | Committee | Location | Bill No. | Topic   | Activity                         |
| 9:00  | H,Tax     | 519-S    |          | Briefing on property taxation (Part 1)-PVD Staff  | Briefing                         |
| 9:15  | H,Ut      | 526-S    |          | Presentation by Leo Haynos, Supervisor of Natural Gas-KCC; Presentation by Ed Cross, KIOGA-Jt. Mtg. with S,Ut   |                                  |
| 9:30  | S,Ju      | 123-S    | SB 24    | Confidential security records or information, not subject to subpoena or discovery  | Hearing                          |
| 10:30   | S,AT      | 519-S    | SB 23    | Sales tax calculation for isolated or occasional sale of motor vehicles; refunds; verification of selling price   | Final action                     |
|   |           |          | SB 12    | Collection of delinquent tax; tax lien procedure  | Hearing                          |
| 1:30  | S,ELG     | 423-S    |          | Carol Williams, Ethics Commission   | Report & recommendations         |
| 3:30  | H,GOE     | 519-S    | HB 2005  | Elections; disclosure of felony conviction  | Hearing                          |
|   |           |          | HB 2018  | Acquisition of rural water district by another district   | Hearing                          |
|   |           |          | HB 2019  | Encroachment restriction districts  | Hearing                          |
|   |           |          | HB 2027  | Library boards; reduction of waiting period for reappointment   | Hearing                          |
| <b>Wednesday, January 19</b>                      |           |          |          |   |                                  |
| Time  | Committee | Location | Bill No. | Topic   | Activity                         |
| 9:00  | H,Tax     | 519-S    |          | Continuation of briefing on Property Taxation (Part 2)  | Briefing                         |
|   | H,Ut      | 231-N    |          | Briefing on electric and natural gas open dockets, KCC-RTO docket and update on SPP   | Briefing                         |
| 9:30  | S,Ju      | 123-S    | SB 27    | Unlawfully selling drug products containing Ephedrine or Pseudoephedrine, pharmacy controls; rebuttable presumption of intent if possession of more than nine grams | Hearing                          |
|   | S,Ut      | 526-S    |          | Briefing on: Telecommunications by KCC  | Briefing                         |
| 10:30   | S,FSA     | 231-N    |          | Campaign Finance Reform--Carol Williams, Executive Director, Kansas Governmental Ethics Commission  | Bill introduction & presentation |
| 3:30  | H,Ju      | 313-S    | HB 2016  | Arbitration; validity of agreement; can apply to employer employee contracts and tort claims  | Hearing                          |
| <b>Thursday, January 20</b>                       |           |          |          |   |                                  |
| Time  | Committee | Location | Bill No. | Topic   | Activity                         |
| 9:00  | H,Tax     | 519-S    |          | Streamlined sales tax briefing--staff   | Briefing                         |

|                           |           |          |          |  |                   |
|---------------------------|-----------|----------|----------|--|-------------------|
|                           |           |          |          | Overview of Sales Tax-Department of Revenue  | Overview          |
|                           | H,Ut      | 231-N    |          | Presentation by Richard Lawson, Sprint United; Presentation by SBC on Voice over Internet Protocol (VoIP)  | Presentation      |
| 9:30                      | S,Ut      | 526-S    |          | Briefing on: Telecommunications for Rural Areas  | Briefing          |
|                           | S,Ju      | 123-S    | SB 25    | Terrorism and illegal use of weapons of mass destruction, penalties, procedures  | Hearing           |
|                           |           |          | SB 28    | Death penalty; if aggravating circumstances are equal, the defendant is not sentenced to death   | Hearing           |
| 10:30                     | S,AT      | 519-S    | SB 15    | Delinquent taxes and returns; professional license issuance and renewal  | Hearing           |
|                           | S,FSA     | 231-N    | SB 17    | Meetings of party caucuses of the house of representatives and the senate caucuses are to be open meetings                                       | Hearing           |
|                           |           |          | SB 19    | Legislative post audits, confidentiality of surveys  | Hearing           |
|                           |           |          | SB 26    | Deleting from the list of legal holidays Washington's birthday and Lincoln's birthday and adding Martin Luther King, Jr. Day and President's Day | Hearing           |
| 3:30                      | H,ED      | 526-S    |          | Updating committee on rules and regulation process for Starbonds   | Bill Introduction |
|                           |           |          |          | Briefing from City of Wichita on use of Starbonds  | Briefing          |
|                           |           |          |          | Briefing from Unified Government on use of Starbonds   | Briefing          |
|                           |           |          |          | Briefing from City of Overland Park on use of Starbonds  | Briefing          |
|                           |           |          |          | Briefing from City of Olathe on use of Starbonds   | Briefing          |
|                           | H,Env     | 231-N    | HB 2017  | Concerning public water supply systems   | Hearing           |
|                           | H,GOE     | 519-S    |          | Briefing-KACIR-Legislative Update per KSA 12-4001 et seq.  | Briefing          |
|                           |           |          | HCR 5001 | Constitutional amendment providing for up to 10 classes of cities for purposes of imposing limitations or prohibitions on taxes                  | Hearing           |
| <b>Friday, January 21</b> |           |          |          |  |                   |
| Time                      | Committee | Location | Bill No. | Topic  | Activity          |
| 9:00                      | H,Tax     | 519-S    |          | Overview of Income Tax-Department of Revenue   | Overview          |
|                           | H,Ut      | 231-N    |          | Presentation by Kansas Energy Council-Wind Energy Task Force   | Presentation      |

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