

Home Rule
The Kansas Constitution
Article 12, Section 5

“Cities are hereby empowered to determine their local affairs and government... including the levying of taxes, excises, fees, charges and other extractions....”

The Home Rule Amendment is the foundation of local government and the bedrock of our belief in independence.

In 1961, Kansas voters took control of their destiny, approving the Home Rule Amendment to the Kansas Constitution. In doing so, citizens reasserted the right to govern themselves within their own communities and rekindled the fiercely independent spirit they inherited from their pioneer ancestors.

As Home Rule moves into a new century, the independence and self determination granted in the State Constitution can not be taken for granted. It is being eroded.

Special interest groups, narrowly focused on their own causes, are aggressively attacking Home Rule. They readily seek legislative intervention to overrule decisions made at the local level.

Many legislators, elected to be stewards of state government, are also eager to be watchdogs over local governments. Efforts to pre-empt decisions made by local citizens in the best interests of their own communities are becoming more frequent in the halls of the Statehouse.

The Home Rule Amendment of the Kansas Constitution is the foundation of local government, the bedrock of our belief in independence and the benchmark of the right to determine our own destiny.

The City of Wichita invites the Kansas Legislature to join in the pursuit and protection of the Home Rule Rights guaranteed in the Kansas Constitution.

Home Rule Issues

Public Land

Local government and the citizens they represent should be allowed to control and manage public lands and right-of-way as they see fit. This includes collecting franchise fees and other revenues from private companies which use public land for profit.

Revenue Sharing

The Governor and Legislature should honor the longstanding financial partnership with local governments by funding the Local Ad Valorem Tax Reduction fund, the City-County Revenue Sharing fund and the Special City-County Highway fund at the levels mandated by state law. The City opposes any reduction in funding and opposes arbitrary caps on the growth of the three demand transfer funds.

Transportation Funding

The 1999 Comprehensive Transportation Plan is crucial for public safety, quality of life and economic advancement in Wichita and Sedgwick County. The Legislature should honor the commitment made to transportation improvements by fully funding the Comprehensive Transportation Plan.

Local Option Revenue and Fees

The City of Wichita and its citizens should be given the trust and responsibility to craft and adopt funding mechanisms for services and projects which best suit the community. The Legislature should remove the unwarranted and unnecessary control placed on local government taxing authority.

Tax and Spending Lids

The City of Wichita believes arbitrary, mandated taxing and spending controls on local government infringe on the rights of citizens to determine the appropriate level of government services for their community. The City of Wichita opposes re-establishment of the tax lid on local government and opposes spending lids on local government.

Priority Issues

Equus Beds Funding

The City of Wichita supports increased funding for Equus Beds Groundwater Management District Number 2. Present land and water assessment rate limits are not generating sufficient revenues to pay for the water management programs and public services required to protect the crucial Equus Beds aquifer.

Municipal Courts

Municipal Courts play an important role in keeping the public safe and administering justice in Kansas. The City of Wichita supports local control of Municipal Courts, but seeks to work in partnership with the Legislature to make Municipal Courts as fair and effective as possible for the benefit of all citizens. The City of Wichita requests several changes in the Municipal Court Procedures Act regarding the authority of Municipal Courts to enforce the law:

- ❑ Municipal courts should be allowed the same authority as District Courts to convert fines to civil judgments when those fines have been declared uncollectable.
- ❑ Municipal Courts should be allowed the same authority for collecting unpaid fines as District Courts by requiring delinquent defendants to pay the cost of the collection fee as well as the fine owed.
- ❑ Annual vehicle registration should be denied for vehicles in which a traffic violation was committed and the fine remains unpaid.

Wichita Police and Fire Retirement Fund

The City of Wichita supports passage of Senate Bill 340.

The measure requests changes in the amortization schedule for the Wichita Police and Fire Retirement Fund. These technical changes in the way unfunded liabilities are handled will allow more effective management of the funds while still protecting the financial integrity of the City retirement system. The current requirement for retirement plans outside of KPERS puts a serious financial burden on the City of Wichita retirement systems.

Taxes and Finance

Gilbert Mosley Environmental TIF

Tax increment financing as an important tool in the major groundwater pollution cleanup in downtown and south central Wichita. The City of Wichita needs an extension of the 20 year time limit now placed on environmental TIF districts in order to complete this crucial environmental project. While the project is proceeding successfully, lengthy and costly approvals from the Kansas Department of Health and Environment have taken longer than anticipated, so the actual pollution remediation did not start as soon expected. Because the cleanup will be extended beyond the originally scheduled 20 years, the tax increment financing needs to be extended as well.

Public Library Funding

The City of Wichita favors stronger state support of public libraries through the grant-in-aid program for local libraries. Because local libraries serve all Kansans, regardless of where they live or whether they pay local taxes to support the library they use, it is fair and equitable for the State to assume a greater responsibility for funding public library operations.

Banking Services

The City of Wichita should be allowed to use any federal or state chartered financial institution for banking and financial services. The current restriction on local government which forces active funds to be deposited only in state chartered banks is antiquated, anticompetitive, unworkable and does not allow for the most efficient use of tax dollars

Enhanced Investment Opportunities

The City of Wichita supports amending state law to allow local governments with expanded powers the option to invest in commercial paper. Such powers lead to higher investment interest income, which reduces reliance upon the property tax as a source of revenue. Current state law does not allow local governments with expanded powers to invest in high grade commercial paper.

Community Development**Economic Development Initiative Funds**

The City of Wichita supports continuation of economic development funding and will work for increased investment in Wichita and South Central Kansas through the Economic Development Initiative Fund.

Transportation Options

The City of Wichita supports transportation options for South Central Kansas residents, including passenger rail service and affordable air fares out of Wichita Mid-Continent Airport. The City encourages the Governor, Legislature and State agencies to work in partnership with Wichita and other South Central Kansas communities to accomplish these goals.

Annexation

The continued growth of the City of Wichita is beneficial to all residents in South Central Kansas. The City of Wichita's ability to annex is not only necessary for the economic well being of the region, it is a simple matter of equity and fairness in financing the cost of services used by thousands of residents living on the fringes of the urban city.

Tourism

The City of Wichita and South Central Kansas offer tourism attractions which can draw thousands of visitors to Kansas. The State of Kansas should be an active and aggressive partner in financing the promotion and marketing of Wichita and South Central Kansas as a visitor and convention destination.

Public Art

Arts and cultural opportunities are important to the citizens of Wichita. The City of Wichita supports the inclusion of public art in capital improvement projects and believes public funding of arts and cultural activities are appropriate and beneficial to the overall quality of life and economic advancement of the City.

Health and Environment**Abandoned Vehicles**

The increasing number of aging and abandoned vehicles is major problem for many Wichita neighborhoods. The City of Wichita supports changes in State law which eliminate the costly, administrative burdens associated with regulating and disposing of abandoned vehicles.

Protection of Sensitive Groundwater

The City of Wichita recognizes its responsibility to be a good steward of the natural resources its citizens use. The City of Wichita accepts its duty and obligation to preserve and protect those natural resources. Protection of the Equus Beds Groundwater Aquifer, which is the primary source of quality water for 500,000 citizens, is crucial for the future of Wichita and South Central Kansas. State laws and administrative procedures should provide for vigorous protection of the Equus Beds from contamination and waste.

Protection of Arkansas River Water Quality

The City of Wichita is committed to protecting the Arkansas River as a vital natural resource and community asset. The City of Wichita encourages partnerships with the Kansas Department of Health and Environment, agricultural industry, environmental organizations, businesses and citizens to cleanup and protect water quality in the Arkansas River. State funding assistance is also urged.

Air Quality Standards

The City of Wichita supports legislation that delays more stringent standards for ozone and particulate matter until there is a scientific consensus that such limits will actually protect human health and the environment, and until EPA adequately evaluates the costs and benefits of the standards.

Solid Waste Management and Disposal

The home rule powers of cities to dispose of and manage municipal solid waste should not be restricted.

Local Government Administration**Unfunded Mandates**

The City of Wichita believes the State Legislature should not impose mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

Alcohol Regulation

Local regulation and enforcement of liquor establishments is crucial to the public health, safety and welfare. The City of Wichita supports the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

Workers Compensation

The City of Wichita supports reasonable and just benefits for employees injured in the course of public employment. The City also supports effective enforcement of the workers compensation act to eliminate payment of unjustified benefits.

Public Employee Employer Relations Act

The City of Wichita has long recognized public employee unions and collective bargaining, but believes the decision should be left to local governing bodies and not mandated by the state Legislature.

Local Participation

Effective use of the federal system requires the involvement of local government officials in the planning and implementation of federally assisted programs, which may be legally controlled by the state but which vitally affect cities and their residents. In addition, the largest amount of federal aid possible should be "passed through" to local governments, with state administrative costs financed from state funds and not "skimmed off" from grant moneys apportionable to local units.

Federal Issues**e-Commerce Internet Taxation**

The City of Wichita supports development and growth of electronic commerce over the Internet, but not at the expense of Main Street businesses and local government revenues. Continued exemption of all Internet transactions from the sales tax will have a dramatic impact on state and local sales tax structures. State and local sales taxes should apply to Internet sales the same as they do to traditional business transactions. In the meantime, all Internet sales taxes collected by the federal government should be distributed back to state and local governments to compensate for lost state and local sales tax revenues. Any federal Internet tax legislation should not preempt state and local sales tax authority. Only Congress can change federal laws to provide authority for states to require out-of-state mail order and electronic vendors to collect and remit state and local sales taxes.

Preemption

For the nation's municipal leaders, preemption has become the successor to unfunded federal mandates. The City of Wichita supports a simpler, more rational, and more flexible intergovernmental system to let city leaders develop more innovative and cost effective methods of delivering programs, infrastructure, and services to citizens, and to enhance public involvement and restore public confidence in government. From telecommunications to Internet taxation to takings to electric deregulation, preserving the ability of local governments to manage the public rights-of-way and receive fair and reasonable compensation for their use, and to protect municipal zoning and taxing authority from federal intrusion is crucial.

Federal Mandates

The City of Wichita opposes the imposition of additional federally-mandated functions or activities on local governments which are not accompanied by financial resources adequate to meet the costs. Cost impact studies should be required for all proposed federal legislation, rules and regulations prior to their enactment.

About This Legislative Program

This Legislative Program is based on the principle that Federal, State, County and City governments are all partners in the effort to make Kansas a great place to live and work.

Elected leaders, City staff and most importantly, citizens from every neighborhood were asked to contribute their ideas in the drafting of this document.

This Legislative Program was approved by the Wichita City Council in November 2001.

Lobbyist's Pledge

I pledge to be ethical, honest and sincere in my dealings with legislators, staff and citizens.

I will vigorously represent the interests of the City of Wichita and its citizens, but my lobbying efforts will be guided by a standard of civility and professionalism.

I will always try to remember every viewpoint deserves a fair hearing and even in the heat of debate, I will remind myself we are all trying to make Kansas a better place to work and live for the citizens we represent.

*Mike Taylor
Government Relations Director
City of Wichita*