

City of Wichita

2007 LEGISLATIVE AGENDA

Approved by Wichita City Council Nov. 7, 2006

TOP FIVE PRIORITY ISSUES

1) STOP-BLIGHT

Preemptory Authority:

On limited occasions, the City has been unable to intervene in a timely and effective fashion to abate property conditions that are clearly a threat to the surrounding neighborhood.

To address those circumstances, this proposal seeks two specific remedies:

A: The City would be given additional authority to use civil nuisance procedures through District Court to enter, inspect, and abate properties that constitute a nuisance or are a dangerous to the public health. In addition, it would give the City Council the authority under the unsafe and dangerous structure statutes to repair or remove material from lots in addition to removing structures.

B: The City's cost of abatement would be levied as a special assessment against the property

Recovery of Expenses for Improvements while Property Held for Sale: Under current law, there is no express authority for the County to maintain or improve (or allow others to maintain or improve) properties while held for sale. Also, if basic code maintenance were to be done, no provision of current KSA 79-2803 would allow the County or other entity making the improvements to recover their cost as a "cost of sale." If the owner were to redeem, they would obtain the improvements without repayment of the costs. As a result of these problems, dilapidated properties simply continue to deteriorate while being held for sale.

Provision of Proper Notice: KSA 79-2811 allows the County to make special tax sales of suitable properties to buyers that will rehabilitate them for community housing use. The County has been concerned (referencing an Attorney General opinion) that this statute may currently be unconstitutional on its face, because it does not say proper notice must be given to all interest holders. The proposal is to add a notice provision to the section to address this problem. It is a purely technical correction.

Petitioned Specials/Foreclosure Period: Currently, the County cannot use the one-year holding period under KSA 79-2401a(a)(2) (applicable to "abandoned" properties) unless the property was bid in by the County for delinquent petitioned specials and delinquent general taxes. This prevents these shorter periods from being very useful to get dilapidated properties to tax foreclosure, because most will be in older areas with no existing petitioned specials. The proposal would be simply to remove the requirement for delinquent special assessments from this subsection. All homesteads would still be held for the 3-year period imposed by KSA 79-2401a(b).

2) AFFORDABLE AIR FARES

The City of Wichita supports continued state financial participation in efforts to continue low-cost air service from Wichita's Mid-Continent Airport.

3) BUSINESS-DRIVEN TECHNICAL EDUCATION

The City of Wichita supports business-driven technical education for South Central Kansas. A collaborative local, state, federal and private sector plan will be required to ensure the system and facility are developed to world class standards, and are flexible to meet business needs.

4) COMPREHENSIVE TRANSPORTATION PLAN (CTP)

The City of Wichita supports the continued funding of the CTP and opposes future reductions in funding for public transportation. The CTP was enacted in 1999 to meet the ever-growing needs of all transportation modes in Kansas, including public transportation. Projects accomplished by CTP funds have been extremely critical to the success of public transportation in Wichita, particularly for the senior and disabled community. Since 2003, there has been a continued decrease in the allocation to this program.

5) HOMELAND SECURITY GRANT FUNDING

The City of Wichita recommends a review of the current process for determination of funding and distribution of the Office of Domestic Preparedness Homeland Security Grant in Kansas.

The current process for determining the distribution of Homeland Security Grant funds to the local level is in the control of the Governor and has been delegated to the Kansas Highway Patrol. The City of Wichita believes that the current funding formula discriminates against the large population centers as a significant percentage of the weighted formula is centered on factors other than population.

It is recommended that the Kansas funding formula be reviewed and adjusted to reflect a more realistic approach to protecting the vulnerabilities in our state. These adjustments should include the ability of local communities to have flexibility in local spending and reassessment of the requirement that money be spent through a single source vendor. It is recommended that the control of funding and purchasing decisions be left up to the local level of government.

MUNICIPAL COURTS

OVERVIEW: Each year, hundreds of convicted municipal court offenders are able to dodge their legal obligations and avoid paying fines for offenses such as DUI, domestic violence, drug abuse and others.

This longstanding legislative agenda issue worsens each year it goes unresolved. Currently, more than \$29 million in unpaid fines are outstanding, and the City's hands are tied with respect to effective collection options.

In 2006, only 35 percent of DUI fines were collected. Domestic violence and drug offenders are even worse, paying only 29 and 11 percent, respectively. The 2006 data reflects a continuance of years of similar non-compliance.

While the financial impact on the operation of Municipal Court is significant, the greater concern is the absolute lack of respect for law. Criminals are thumbing their noses at the Legislature's good intentions in establishing appropriate financial penalties. Eight percent of the non-paying offenders are known gang members. This total disrespect for the law serves to undermine the entire legal system.

The proposals below would create new tools for the collection of outstanding judgments, and also address other procedural inequities in the current system.

- **Civil judgments.** Municipal Courts should be allowed the same authority as District Courts to convert fines to civil judgments when those fines have been declared non-collectable.
- **Collection fees.** Municipal Courts should be allowed the same authority as District Courts for collecting unpaid fines by requiring delinquent defendants to pay the cost of the collection fee as well as the fine owed.
- Require the State of Kansas to assume share of the collection fee costs associated with state-mandated fees.
- **Mailed notice.** When a person fails to comply with a traffic citation, the Municipal Court is required to "mail" a notice stating that if the person does not appear or pay the fine within 30 days, that person's driver's license will be suspended (KSA 8-2110). One-half of these "failure to comply" notices are returned undeliverable. If the officer giving a moving violation ticket could also "give" this notice, it would save the cost of postage. It would also reduce the perception that violators are not being given a notice of the suspension.
- **Interlocutory Appeal.** Municipal Court prosecutors should have the same authority as district and county attorneys for an interlocutory appeal for review of a judge's ruling on suppression of evidence (KSA 22-3603). In District Court, prior to the trial, the prosecution may appeal rulings on search warrants and suppression of evidence. Under the current law, there is no opportunity for appellate review and such rulings often result in the dismissal of a criminal or traffic case.

STAR BOND SUNSET REVIEW

Current state law authorizing Sales Tax and Revenue (STAR) bonds expires on June 30, 2007. Interim Joint Committee on Economic Development is currently studying the issue, and renewal is likely to be recommended. The City supports renewal and will monitor proposed changes that may impact local applications.

SEX OFFENDER RESTRICTIONS

(Parks & Recreation)

Legislation would be patterned after State of Washington law giving public and private entities that provide services to children the tools necessary to prevent convicted child sex offenders from contacting children when those children are within the legal premises of the covered public and private entities. Under the law, a covered offender may not enter the legal premises (without prior written permission from the covered entity) of any public or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child or children. This includes, but is not limited to, community and recreational centers, playgrounds, schools, swimming pools, and state, city, and county parks.

CHEMICAL REACTION BOMBS AND HOAX EXPLOSIVE DEVICES

This legislative change would discourage and punish those intent on disrupting commercial or private industry or governmental functions by placing hoax explosive devices or chemical reaction bombs with the intent to cause panic, instill fear, destroy property or disrupt commerce.

LIBRARY ISSUES

- Continued state funding for libraries
- Enhancement #1: Funding for statewide delivery system for library materials \$250,000
- Enhancement #2: Funding for library service to the blind and visually impaired through the Talking Books sub-regional libraries \$76,500
- Enhancement #3: Expansion of the State Data Center \$70,937
- Enhancement #4: Statewide library information resources for students \$426,000
- Protect authority of local library boards

HISTORIC PRESERVATION

The City of Wichita supports changes to the Historic Preservation Law to ensure careful review of actions that may impact historic properties. These changes would reduce environs review from 500 feet to 250 feet, provide legal notification to property owners of the 250-foot environs area, and require environs reviews for demolition, infill construction, signage and major additions. (Major additions are those that are more than half the footprint of the original structure)

DOMESTIC VIOLENCE

The City of Wichita supports changes in the domestic violence statutes in an effort to make the law more effective and workable. The City of Wichita supports narrowing the definition of domestic battery to family members or those involved in intimate relationships. Deleting the reference to “persons who are presently living together or have resided together in the past” will strengthen enforcement efforts. Limiting the definition to people with intimate relationships and family members will allow law enforcement and court resources to concentrate on the most prevalent and troublesome cases of domestic violence.

NEGOTIATED BOND SALES

The City of Wichita supports increasing the statutory cap to \$2,000,000 on the amount of bonds that may be sold through negotiated sales for special assessment projects. The purpose is to interact more favorably to the marketplace and reduce special assessment costs by reducing interest for residents

CLEAN DRINKING WATER FEE

The City of Wichita supports the amendment and clarification of the statutory provisions establishing this fee on water service. The Water Utility has not been able to use offsetting tax exemptions under this law because of the condition that the fee cannot be passed on to utility customers. To address the problem for Water Utility, the City of Wichita supports a clarification in the statutes on Clean Drinking Water Fee, to allow the fee to be passed on in the rate base (KSA 82a-2101).

ANNEXATION

The City of Wichita’s ability to grow by annexation is necessary for the economic well being of the region, and it is a matter of equity and fairness in financing the costs of services used by residents living on the fringes of the urban city. The City of Wichita believes current laws adequately protect this municipal power while balancing the interests of private citizens and surrounding communities.

EXPANDED GAMING OPTIONS

In the event the State approves expanded gaming, in any form, such as but not limited to casinos, Wichita citizens deserve and should be afforded the opportunity to vote on whether expanded gaming is appropriate in our community. The City of Wichita supports allowing the citizens to vote in a binding election on the question of whether or not expanded gaming should be allowed in Sedgwick County. Furthermore, any legislation that is enacted for expanding gaming must, at a minimum, provide sufficient revenue to the City of Wichita to offset the increased social costs to our community.

ALCOHOL REGULATION

The City of Wichita supports the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.