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# 2007 Legislative Agenda Derby, Kansas

# Summary Position

The 2007 legislative goals for the City of Derby seek to preserve both the funding and values that are essential to local governance. They ensure that service to Derby citizens remains intact, especially as it concerns state funding and public health issues. The following agenda identifies these and other core areas of legislative importance to Derby as well as specific items we are asking our representatives to address this session.

## Core Principles

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### **Home Rule**

We support self-governance by locally elected officials as provided for in the State's Constitution. Specifically, local governments should control their rights of way, have condemnation authority, be immune from tort liability, and be free to voluntarily cooperate with other public and private entities, as well as State government, to ensure the best level of service for our citizens. We do not support actions at the state level that erode representative democracy or local self-determination.

### **Kansas Open Meetings Act (KOMA) and Kansas Open Records Act (KORA)**

We support all levels of government being subject to the same open meetings requirements which promote citizen involvement without being unduly burdensome. Open Records laws should balance the public's right to access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct essential business functions.

### **Fair and Equal Taxation**

The City of Derby is committed to keeping property and sales tax rates low. Achieving this goal depends on state leadership in maintaining the tax base. Exemptions from sales tax for special interest groups, regardless of the worthiness of the group's mission, make taxation unfair to other worthy groups and erode the tax base. Exemptions from property taxes for age-based or other special interests also erodes the base and puts pressure on cities to increase the mill levy.

### **Annexation**

The ability of Derby to promote and plan for growth is inherent to the ultimate success of our community. We support the ability of cities to use their annexation powers as they are currently established in state statute. We oppose any change that limits the authority of cities to grow through annexation.



### **Restoration of Demand Transfers**

The State unfortunately continues to fail to meet its statutory obligation to local units of government with respect to demand transfers. The Local Ad Valorem Tax Reduction (LAVTR) Program funds core services for cities. Therefore, if the State continues to withhold those payments to local governments, it is only shifting the State's tax burden onto local taxing units and their constituents.

### **Unfunded Mandates**

We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, an appropriate level of funding should accompany such mandates.

### **Eminent Domain**

Eminent Domain is a fundamental municipal right. While Derby supports the use of eminent domain to acquire property for public improvement projects and economic development projects as legitimate and beneficial uses of this authority, we encourage the delegation to focus its efforts on strengthening eminent domain authority for blight remediation. The authority to intervene in a timely and effective fashion to abate blighted property conditions that are clearly a threat to the surrounding neighborhood is imperative. We support statutory safeguards to protect private property interests and encourage our delegation to enhance municipal authority to stop blight.

### **Rights-of-Way**

We oppose any legislation that would restrict the ability of cities to control public property and rights-of-way or the ability of cities to franchise those entities that use the rights-of-way including the implementation of statewide franchises.

# DERBY LEGISLATIVE PRIORITIES

## Restore Demand Transfers

### Position

**Support legislation to reinstate the Local Ad Valorem Tax Reduction (LAVTR) program.**

### Background

In late November 2002, Governor Graves took an unprecedented action by cutting statutorily authorized and legislatively appropriated transfers to local governments for the remainder of the current State budget year. This has dramatically effected the City's last five annual budgets, leaving Derby and its sister cities with far fewer resources to provide services (police, fire, streets, parks, etc.) to its citizens.

LAVTR is a revenue-sharing program which was established as a partnership between the state and local governments. Revenue sharing between the State of Kansas and cities and counties dates back to the 1930s.

In 1965, the current LAVTR formula was put into statute as part of a compromise. In that compromise, the old revenue sharing program and the local portion of the cigarette tax were eliminated. In exchange, cities and counties were to receive a portion of the state sales and compensating use tax.

Beginning in 1991, the State of Kansas started "capping" LAVTR dollars and eventually quit appropriating LAVTR funds altogether by 2003.

Since 1991, \$355,645,000 in LAVTR has been taken by the State and not allocated to cities and counties pursuant to K.S.A. 79-2959. LAVTR is a dollar for dollar offset of property taxes that represents real property tax relief for *all* Kansas property taxpayers.

In Derby, this cut in state revenue sharing meant delayed equipment replacements in 2003, the effects of which are still being felt today as we maintain streets and provide police services with older vehicles more prone to downtime. Other effects in 2003 included foregoing a new tree branch recycling program and delaying for five years a public bus transportation program.

In dollars and cents, Derby has lost \$385,000 annually, which is equivalent to approximately three mills each year. Not coincidentally, in 2004 the City subsequently raised its levy 2.6 mills for fire protection services required for our growing community of 20,543 people.

**State legislators should keep the promise made in 2002 to restore LAVTR funding to cities by 2010.**



## Clean Indoor Air

### Position

**Support legislation for a statewide smoking ban in indoor public places and places of employment.**

### Background

Secondhand smoke, or environmental tobacco smoke, is an imminent and catastrophic threat to public health.

Secondhand smoke is responsible for as many as 65,000 American deaths each year (National Cancer Institute). Independent medical studies, including the 2006 report of the U.S. Surgeon General, have found secondhand smoke to have immediate and serious health impacts for all individuals. Ventilation is completely inadequate in removing the health effects of environmental tobacco smoke. No length of exposure is safe. No amount of exposure is safe.

It is not only a public health hazard, but it is also a vocational hazard, especially to the countless young people who work in the hospitality industry.

Government can no longer ignore the imperative to protect public health from environmental tobacco smoke. Government is the only entity that can create the level playing field that business owners need to make the smoke-free transition.

In the absence of state leadership, Derby is considering a local ban on indoor smoking to protect the health of its citizens. Nonetheless ... **We implore the State of Kansas to protect public health by joining the other 21 states that have already addressed clean indoor air.**



# Derby Partnerships

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There is strength in numbers.

That's why the City of Derby acts in cooperative partnership with regional organizations **Visioneering Wichita** and the **Regional Economic Area Partnership (REAP)** to develop legislative agendas for state and federal legislators that represent the best interests of the economic region.

The interests of the City of Derby and its sister cities are also represented by the legislative priorities of the **League of Kansas Municipalities** whose mission is to advocate for the interests of Kansas municipalities to advance the quality of life and general welfare of all Kansas citizens.

The City of Derby endorses the legislative priorities of each of these groups as summarized in the following pages.

## Visioneering Wichita

### Mission

To provide citizen input in developing our future;

To facilitate communications so reality and perceptions were aligned; and

To create a strategic plan that ensures a quality of life and encourages our young people to live, learn, work and play in our regional community.

For 2007, the Alliance will identify priorities that work toward common goals for the region.

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### THE UNIFIED LEGISLATIVE AGENDA

**Affordable Air Fares:** Maintain and expand low-cost commercial air service for the state through the Affordable Air Fares Fund - \$5 million a year for five years (maintain funding).

**Aviation Research:** Continue state investments in aviation research at the National Institute for Aviation Research at Wichita State University through completion of a five-year plan proposed by area aviation industry - \$2 million (continue funding support).

**Nursing Programs:** State support for a 25% expansion in the capacity of nursing programs in existing post-secondary public education institutions in south central Kansas (maintain funding).

**Tech Ed and Training:** Support for a new system and facility for technical education and training in the area through the Sedgwick County Technical Education and Training Authority (ongoing support).

**KSBDC:** Increased support for Kansas Small Business Development Center (KSBDC) to meet more demand for entrepreneurial assistance and start-up businesses that would also fund other small business development centers across the state (new item).

## League of Kansas Municipalities

### Mission

To unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.

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### LEAGUE LEGISLATIVE PRIORITIES

**Local Ad Valorem Tax Reduction (LAVTR):** Support legislation which reinstates the Local Ad Valorem Tax Reduction (LAVTR) program.

**Blight Remediation:** Support legislation that will provide more flexibility to local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

**Rights-of-Way:** Encourage the Kansas Congressional Delegation and the Kansas Legislature to protect the ability of cities to manage their rights-of-way and impose franchise fees regarding telecommunications and cable companies.

**Kansas One-Call:** Oppose mandatory participation in the state one-call program as an unfunded mandate and erosion of local control. We support inclusion of municipal utilities in the state one-call system on a voluntary basis.

**STAR Bonds:** Support legislation to reauthorize the use of STAR bonds.

**Development Excise Taxes:** Support legislation that would authorize all cities to impose development excise taxes.

**Transportation Program:** Encourage the State of Kansas to work with local governments and private partners to develop a new comprehensive transportation program.

**Taxpayer Bill of Rights:** Oppose any state-imposed limits on the taxing and spending authority of cities, including the application of the Taxpayer Bill of Rights (TABOR).

## Regional Economic Area Partnership (REAP)

### Mission

The Regional Economic Area Partnership (REAP) is comprised of thirty-two city and county governments in six counties of South Central Kansas, which include Butler, Harvey, McPherson, Reno, Sedgwick and Sumner counties. The thirty-two cities and counties have voluntarily joined together in REAP to guide state and national actions that affect economic development in the region, and to adopt joint actions among member governments that enhance the regional economy.

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### REAP LEGISLATIVE PRIORITIES

**Kansas Affordable Airfares:** Maintain Kansas Affordable Airfares Program to assure more flight options, more competition for air travel, and affordable airfares for Kansas.

**Tech Ed:** Advance legislative and administrative action to secure state participation in funding business-driven technical education that supports the regional economy.

**Blight Remediation:** Provide local governments with increased opportunities and flexibility to remedy problems created by blighted properties.

**Water Quality:** Protect the region's public water supply through science-based, site-specific water quality regulations.

**Transportation:** Advance legislative and administrative action to complete state funding of regional projects in the 1999 Comprehensive Transportation Plan.

**State Funding:** Advance legislative and administrative action to increase state financial investments into the REAP region, including:

**Composites:** Research and development on composites through the Kansas BioScience Authority under the Economic Growth Act.

**Aviation Research:** Aviation research at the National Institute for Aviation Research at Wichita State University.

**State Parks:** Access to and improvements at state parks, including Cheney State Park and El Dorado State Park.



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