

2013 State Legislative Platform



JOHNSON COUNTY, KANSAS

Adopted November 15, 2012

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2013 CORE PRINCIPLES

The federal, state, and local governments have a partnership through which numerous governmental services are funded and made available to citizens. This partnership is dependent upon stable funding, decision-making at the appropriate level, and removing barriers to efficient and effective access to services. Johnson County strongly supports the following core principles as the means to an effective and improved partnership among each level of government.

1.1 Retain and Enhance County Home Rule Authority

Johnson County supports the retention and strengthening of local home rule authority to allow locally elected officials to conduct the business of their jurisdiction in a manner that best reflects the desires of their constituents and results in maximum benefit to that community. The County further supports putting forth a constitutional amendment granting counties - as one of the cornerstones of Kansas government - the constitutional home rule authority currently enjoyed by cities.

1.2 Maintain Financial Stability for County Governmental Services

Many critical county government services are financed by the federal and state governments and subsequently provided by local governments. As a key provider, Johnson County seeks assurance that the federal and state portions of appropriations will continue at levels adequate to meet the needs of the recipients. Furthermore, Johnson County opposes reductions in funding for services that result from actual reductions, as well as, cuts in “real dollars” which result from a lack of inflationary adjustments. Johnson County is a partner in providing services for the state. Annually, Johnson County spends over \$135 million to provide state services for the citizens of Johnson County. Our local effort supports the provision of state services. We do not support reductions in state funding, nor do we support changes in state taxation that would reduce resources available for the State to carry out these functions. Moreover, the State should explore the possibility of providing greater flexibility to local units of government, to allow local control over implementing any additional reductions in programs or services due to State funding cuts.

1.3 Oppose Unfunded Mandates

Johnson County supports minimizing the financial and staffing implications of “devolution,” the passing down of responsibilities to counties by the state and federal governments, by seeking funding for mandates and reasonable periods of time to phase in new responsibilities. During this time of current financial crisis, the State should be mindful of local government’s responsibilities and limitations. Any budget reductions or changes in state taxation that reduce state resources with an impact on county government services should be evaluated closely by the state and based on a cost benefit analysis of how such reductions would increase cost demands at either the local or state level. If the State reduces funding for county government services, the State should provide greater flexibility and increased local ability to raise revenue.

1.4 Maintain Local Control of Revenues and Spending

Recognizing that communities are best served and citizens’ values and standards are best reflected when local control of taxing and spending is maximized, Johnson County opposes any state imposition of tax or spending lids which place limits on how much revenue a local government can raise or spend from year to year.

2013 PRIORITIES

2.1 IDENTITY BLOCKING MODIFICATIONS

K.S.A. 45-221 was amended in the 2012 session by House Bill 2427. This new law allows for the blocking of identifying information from public access for specific law enforcement and court related personnel. This law requires the holder of public records with identifying home address or home ownership information to block that information upon request of the protected individual. As County Clerk and Register of Deeds, this new law directly impacts all of these department records and the level and ability to respond to open records inquiries. The law lacks the consideration of its broad effects and impact on land record department business processes and blocks the identifying information from both external and internal access that will impede real estate and financing transactions. The new law does not address a timeline or even procedures for removal in the event of a protected status change or the amount of time and effort involved in identifying and processing the request for blocking. We need the ability to modify existing language to provide greater definition, more detailed procedures and more reasonable time for processing.

2.2 MODIFICATIONS TO CONCEALED CARRY LAW

The Legislature will likely consider imposition of state requirements allowing concealed carry permit holders to carry firearms in public facilities if adequate security measures are not present. Johnson County suggests thoughtful consideration of these changes as they will impact local governments. These proposed changes will increase greatly the costs to local government without additional revenue. We believe this to be a matter of local control, and the Legislature should allow local governments to determine whether to allow concealed carry weapons on their grounds and facilities. Additionally, the Legislature should specifically exclude potentially volatile and sensitive locations including board or commission chambers and hearing rooms, mental health facilities, appraisal hearing facilities, and probation offices.

Taxation and Finance

2.3 OFFICIAL PUBLICATIONS ON INTERNET

Johnson County supports amending current statutes to allow counties the option of publishing financial statements and tax delinquencies on the official County website in lieu of publication in the official county newspaper.

2.4 REPEAL BURDENSOME PLATTING AND TAXATION REQUIREMENTS

Johnson County supports repealing the specific provisions of KSA 19-1207 requiring two years of taxes to be paid on some new development. These provisions for platting and taxing are burdensome to the County and impose additional upfront costs and undue hardship to builders and developers.

2.5 TAX POLICY

Johnson County opposes any further exemptions to the ad valorem property tax base or the state/local sales tax base. We support a thorough and comprehensive review of all exemptions and repeal of those exemptions that would not merit a state appropriation. Exemptions only shift the burden of financing vital services to an increasingly narrow tax base. Additionally, Johnson County does not support changes in State taxation that would significantly reduce available funding for key joint State/County programs, put the County at a competitive sales tax disadvantage with Missouri, or impose a sales tax on professional services.

2.6 FIXTURES

Johnson County is concerned about the potential impact of legislative changes to the current definition of machinery and equipment exemptions. Without a very thorough study of the potential benefits to all of the State of Kansas and a comprehensive understanding of the possible impact of changing tax classifications, the Legislature should do nothing. Proposed changes in tax law to address a few isolated instances have the potential to impact our local property taxes. Any change in tax policy if utilized by manufacturers will increase residential and small business property taxes as well as property taxes on agricultural land. Increased local mill levies will also increase the taxes on motor vehicles.

2.7 RECOVERY OF DEPARTMENT OF MOTOR VEHICLE COST INCREASES

The current fee structures for motor vehicle operations in Johnson County are inadequate to fully fund the operation at acceptable service levels. Additionally, the County's financial obligations are increasing with additional workload being shifted from the State to the County. The County supports legislation redirecting revenue to fully cover the cost of motor vehicle operations. Options may include redirecting and reallocating current shared revenue with a greater portion allocated to the County, preferably \$2 of the \$4 modernization fee.

2013 PRIORITIES

Infrastructure and Environment

2.8 SOLID WASTE

As home to the largest regional landfill in Kansas, Johnson County supports clarification of state law and policy regarding the disposal of yard waste and other recyclable and compostable materials in landfills that serve multiple counties. Johnson County also supports state legislation that ensures counties and cities receive their fair share of landfill tonnage fee revenue to support local waste reduction projects.

2.9 EMERGENCY BRIDGE REPAIR

Johnson County supports amendments to Kansas statutes to allow the County to make expedited emergency repairs to bridges if the Board determines a public safety emergency exists.

2.10 COMPREHENSIVE TRANSPORTATION PROGRAM

Recognizing it is critical to maintain Kansas infrastructure, Johnson County supports continued investment in the Comprehensive Transportation Program known as T-WORKS. We recognize the current funding level is far from adequate to address ongoing statewide infrastructure funding needs and state highway funds should be used for the purposes they are collected. As such, it should be allocated strategically to ensure there is an identifiable long-term return on investment for the entire state. Investing in growth areas is critical to creating a sustainable revenue stream that will address statewide infrastructure needs.

Human Services

2.11 MEDICAID ADMINISTRATION

The State's planned implementation of Medicaid managed care on January 1, 2013 is intended to encourage efficiency, care coordination, and access to health care. Medicaid managed care will affect all vulnerable populations in Kansas counties, and will add significantly to the administrative burden of those counties that administer Medicaid programs. The State must ensure, as promised, there is no reduction in services, eligibility, or reimbursement rates. Counties are a significant partner in these programs and have a stake in its success. We encourage close legislative attention, oversight, and transparency of this new Medicaid organization through a legislative oversight committee.

2.12 AGING AND DISABILITY SERVICE CHANGES

Johnson County supports the Aging and Disability Resource Center (ADRC) concept that the State is proposing as part of its Medicaid Managed Care activities with appropriate oversight. ADRCs should enable the Frail Elderly, and those with Physical Disabilities and/or Traumatic Brain Injuries the opportunity to receive holistic information, referral, assessment and options counseling services in one location. Johnson County has great concerns about the Managed Care Organizations (MCOs) being the sole source for case management of these vulnerable populations, as the program is currently designed. This action has the potential to further isolate these already isolated seniors and persons with disabilities, who in many cases have no family or friends and can be easily confused by public programs. Additionally, the MCO's profit-based missions may not encourage adequate safety net services to these populations.

Johnson County encourages the Legislature to thoroughly monitor this practice, and put into place appropriate quality assurance and oversight features to ensure that seniors and those with disabilities are satisfied with their case management services, and receive the care they need to enable them to remain living in their own homes, outside of more costly nursing home or institutional placement. Johnson County believes that the ADRC is the ideal location for this quality assurance and oversight function and encourages the Legislature to assign that duty, and associated funding to the ADRCs.

2013 STANDING POSITIONS

Education

3.1 K-12 EDUCATION FINANCING

The Board of County Commissioners urges the Legislature to adequately and equitably fund primary and secondary education to a level that places Kansas among the leading states in support of a “world class” education.

3.2 INCREASED INVESTMENT IN EARLY LEARNING

Early childhood is a critical time to impact school and life-long success for children age 0 to 5. Johnson County supports expanding and strengthening proven effective early learning programs.

Finance and Taxation

3.3 MORTGAGE TITLE TRANSACTIONS

Johnson County supports statutory amendments requiring the tracking of all land record mortgage instruments through proper public notification of assignments and releases as directed by KSA 58-2308. The recording of these documents must include an accurate paper trail to ensure a complete chain of title to protect the interests of the property owner and lending institution. This legislation is sponsored by the Kansas Register of Deeds Association and the Kansas County Officials Association.

3.4 COUNTY REVENUE SOURCES

Johnson County supports legislation to provide statutory local option fees and taxing authority to finance county services, which could be exercised on a county-by-county basis.

3.5 LIMITS ON APPRAISED VALUATION GROWTH OR MILL LEVY RATES

Johnson County opposes the imposition of artificial limits on appraised valuation growth or mill levy rates by the state. Such limitations erode the ability of local officials to make decisions close to the public and will reduce bond ratings, resulting in more expensive debt service payments on needed capital projects.

3.6 ELIMINATE OUT-OF-STATE VIN INSPECTIONS

During this period of diminishing resources and the downsizing of government, Johnson County supports the elimination of the requirement that all out-of-state vehicles have a physical verification that the Vehicle Identification Number matches the vehicle title. This time-consuming and costly requirement rarely produces meaningful information when scarce resources can be directed to more productive services.

3.7 KANSAS OPEN RECORDS & OPEN MEETINGS ACT

Johnson County believes that an open government is essential to building public confidence. However, we recognize that in some circumstances the public interest is better served by preventing the disclosure of sensitive information. We support the retention of the exceptions in the Kansas Open Records Act and the permitted subject matters for executive sessions contained in the Open Meetings Act currently found in the law.

3.8 LOCAL OPTION FOR PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT

Because local governments should remain empowered to decide collective bargaining issues based upon local conditions, circumstances, needs, values, and the desires of local taxpayers, Johnson County opposes the removal or preemption of the local option provision from the Public Employer-Employee Relations Act (PEERA).

3.9 STATUTORY PASS-THROUGH FUNDING

Johnson County calls for the preservation of local government revenues which pass through the State of Kansas’s treasury. These funds come from a longstanding partnership between local governments and the State, and are generated via economic activity at the local level. Both alcoholic liquor tax funds and the local portion of motor fuels taxes should not be withheld from local governments and siphoned into the State General Fund. Local governments in recent years have had to cope with the legislature not funding LAVTRF demand transfers and the machinery & equipment property tax “slider,” and should not be forced to further aid in balancing the State’s budget.

Human Services and Public Safety

3.10 ADEQUATE STATE PSYCHIATRIC HOSPITAL RESOURCES

Johnson County supports state inpatient mental health resources whose capacity keeps pace with the overall growth of persons served by the public mental health system. Currently, our state hospitals are frequently occupied far beyond their capacity. This situation was further exacerbated in early 2011 through the closure of the Rainbow Mental Health Facility. The State has invested \$1.5 million for renovations at Rainbow and the facility is scheduled to fully reopen

2013 STANDING POSITIONS

in January 2014. Further, it is crucial to have both crisis and long-term beds to meet the needs of the mentally ill, allow for the efficient use of law enforcement services and prevent the mentally ill from entering the criminal justice system as a last resort. Too few state hospital beds leads to increased, and often unnecessary, use of law enforcement resources, jails, and local emergency rooms.

3.11 FUNDING FOR MENTAL HEALTH SERVICES TO UNINSURED AND UNDERINSURED

Johnson County supports restoration of state funding to community mental health centers (CMHCs) to pay for state required mental health treatment of low income uninsured and underinsured persons who do not qualify for Medicaid or other state funded benefits. Since 2008, Kansas CMHCs have seen state funding reduced by almost 50%. Johnson County supports the restoration of these funds to the Kansas Department of Aging and Disability Services budget, and opposes any proposal to further reduce CMHC grant funding.

3.12 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

Johnson County supports efforts to fully fund the statewide Home and Community Based Services (HCBS) waiver program and its waiting list which contains over 800 Johnson County citizens with intellectual and developmental disabilities. Furthermore Johnson County supports recommendations to increase HCBS reimbursement rates to a reasonable and adequate level. In an effort to achieve these goals, Johnson County encourages and supports any required efforts by the State of Kansas to participate in federally approved financing plans for such services.

3.13 LOCAL HEALTH DEPARTMENTS

Local health departments have many mandated but unfunded functions, particularly around prevention and control of communicable disease. Equally important is prevention and control of chronic diseases, which negatively impact quality of life and increasingly drive up the overall cost of health care for all Kansans. Driving the expanding rates of chronic disease is the ever-escalating number of obese Kansans. Investment in Public Health prevention activities and implementation of system,

environmental and policy changes that support healthy choices are critical to stopping the rate of increase in obesity and improving the overall health of the population. Johnson County strongly supports increased state funding of local health departments to address these issues because Kansas lags behind public health investments ranking 43rd in spending per capita. Kansas's ranking for health status has dropped from 12 in 1990 to 26 in 2010 as reported by America's Health Rankings.

3.14 STATE AID PROGRAMS

The human service needs of our most vulnerable residents continue to increase, as does the number of persons who are economically disadvantaged. As a safety net provider for these vulnerable residents, Johnson County supports the state fully funding all state mandated human service programs, at levels that reflect the actual cost of services.

3.15 OFFENDERS COMMUNITY SUPERVISION STANDARDS

Johnson County supports the use of the Level of Services Inventory-Revised (LSI-R) on a statewide basis in both Court Services and Community Corrections. Probation offender scores on the LSI-R will be used to determine the appropriate placement of offenders under Court Services probation or Community Corrections supervision. This position is based on the success of the LSI-R pilot project between the 10th Judicial District and Johnson County Corrections that has existed since 2003. The LSI-R score, because it is an objective, data-driven process, should be applied to all felony offenders. Additionally, Johnson County supports the utilization of specific cut off scores for placement that are consistent statewide and selected based upon actual Kansas data.

3.16 COMMUNITY CORRECTIONS/CRIMINAL JUSTICE

Johnson County recognizes the very important role that both adult and juvenile community corrections programs have played over the last several years in reducing the need for state and juvenile offender beds and in the overall success of offenders. Despite this success, the State Legislature has reduced funding for the adult risk

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Additionally, specific funding for mentally ill offenders and the reintegration of offenders is insufficient and exacerbates local jail and community problems. The Legislature has also significantly reduced funding for juvenile prevention programs over the years. Without increased funding for both the adult and juvenile community corrections programs as well as mentally ill offenders and reintegration, it is very likely that the need to build expensive state prisons and juvenile correctional facility beds will increase. Legislators should carefully review the data and make their funding decisions based on what has proven to work.

Further, Johnson County understands the state's need to address the problems that have been taking place at the Topeka Juvenile Correctional Facility. Whatever course is taken with the management of the state facility, Johnson County strongly urges the Legislature to ensure that the provisions of juvenile justice reform and specifically local planning and collaboration through Juvenile Corrections Advisory Boards and Juvenile Community Corrections Programs remain in place. Providing services and programs that best meet the needs of the local communities is vital to continued success with juvenile offenders. There is no need to dismantle or restructure what is already working very well.

3.17 COURT ADMINISTRATION

Johnson County supports efforts to eliminate the one-judge per county law and realign and fully fund judicial positions among judicial districts to reflect current needs based on the changing demographic distribution of the population in Kansas. Additionally, Johnson County calls for support of the Chief Justice's request to adequately compensate judicial employees and staff the judicial branch at levels needed to effectively administer justice based on the report of the Kansas Supreme Court Blue-Ribbon Committee. This will include the addition of Court Services personnel for the 10th Judicial District.

Infrastructure and Environment

3.18 ALTERNATIVE ENERGY SOURCES

Johnson County supports the use of alternative and renewable energy sources and encourages the legislature to provide incentives for such energy sources that protect our air quality and reduce our dependence on oil such as a personal property tax credit for purchase of gas-electric hybrid and other alternatively fueled vehicles provided the alternatives do not produce a negative environmental impact on the County.

3.19 EMINENT DOMAIN

Johnson County opposes any unreasonable restrictions on the authority of local units of government to exercise their right of eminent domain. Specifically, the County believes that restrictions upon the purpose and/or the future transfers of title be left to the local governing body pursuant to current statutory authority. Johnson County has not used and has no intention of using eminent domain for economic development purposes but only for utilities and public infrastructure improvements.

3.20 PROMOTE E-GOVERNMENT AND COLLABORATIVE INITIATIVES

Johnson County supports initiatives that enable the use of innovative technology to promote more efficient and effective delivery of government services to its citizens.

3.21 WASTEWATER DISCHARGE LIMITS

Recognizing that clean and safe water resources are critical to the environment, public health, safety, and recreation, Johnson County supports sustainable water quality standards that are based upon the latest available scientific information and a public decision-making process relating to water quality standards and use designations.

3.22 ENVIRONMENTAL PROTECTION AND ENERGY CONSERVATION

Johnson County supports state efforts to (1) develop and implement cost effective, scientifically-based energy and environmental plans, including plans to address greenhouse gas emissions, (2) stimulate investment in energy conservation and alternative energy technology (3) consider economic, social and natural resource impacts when making decisions, and (4) provide local governments flexibility and resources to meet the community's energy and environmental goals.

2013 JOINT COUNTY/CITY LEGISLATIVE PLATFORM

State and local government are partners providing numerous governmental services that are funded and made available to citizens. Local units of government are closest to the citizens and very closely represent the interests of citizens in the communities in which they live. The partnership depends upon stable funding, efficient use of citizens resources, and responsiveness at the city and county level. We support respect and preservation of local authority, maintenance of local control of local revenue and spending, and oppose the devolution of State duties to local units of government without planning, time and resources. The Johnson County Government and Cities advocate on the following issues in the interests of our elected representatives and on behalf of the citizens who live in our county and cities.

FIXTURES

Johnson County is concerned about the potential impact of legislative changes to the current definition of machinery and equipment exemptions. Without a very thorough study of the potential benefits to all of the State of Kansas and a comprehensive understanding of the possible impact of changing tax classifications, the Legislature should do nothing. Proposed changes in tax law to address a few isolated instances have the potential to impact our local property taxes. Any change in tax policy if utilized by manufacturers will increase residential and small business property taxes as well as property taxes on agricultural land. Increased local mill levies will also increase the taxes on motor vehicles.

LIMITS ON APPRAISED VALUATION GROWTH

Johnson County opposes the imposition of artificial limits on appraised valuation growth or mill levy rates by the state. Such limitations erode the ability of local officials to make decisions close to the public and will reduce bond ratings, resulting in more expensive debt service payments on needed capital projects.

TAX POLICY

We oppose any further exemptions to the ad valorem property tax base or the state/local sales tax base. We support a thorough and comprehensive review of all exemptions and repeal of those exemptions that would not merit a state appropriation. Exemptions only shift the burden of financing vital services to an increasingly narrow tax base. Additionally, we do not support changes in State taxation policy that would significantly reduce available funding for key programs, put Kansas counties and cities at a competitive sales tax disadvantage with Missouri, or impose a sales tax on professional services.

MAINTAIN LOCAL CONTROL OF REVENUE AND SPENDING

Recognizing that communities are best served and citizens' values and standards are best reflected when local control of taxing and spending is controlled by local voters and taxpayers, we oppose any state imposition of tax or spending lids which place limits on how much revenue a local

government can raise or spend from year to year.

OPPOSE UNFUNDED MANDATES

Johnson County supports minimizing the financial and staffing implications of "devolution," the passing down of responsibilities to counties by the state and federal governments, by seeking funding for mandates and reasonable periods of time to phase in new responsibilities. During this time of current financial crisis, the State should be mindful of local government's responsibilities and limitations. Any budget reductions or changes in state taxation that reduce state resources with an impact on county government services should be evaluated closely by the state and based on a cost benefit analysis of how such reductions would increase cost demands at either the local or state level. If the State reduces funding for county government services, the State should provide greater flexibility and increased local ability to raise revenue.

COMPREHENSIVE TRANSPORTATION PLAN

Recognizing it is critical to maintain Kansas infrastructure, we urge the Legislature to follow through on the commitments in the 2010 transportation plan. We recognize the current funding level is far from adequate to address ongoing statewide infrastructure funding needs. As such, it should be allocated strategically to ensure there is an identifiable long-term return on investment for the entire state. Investing in growth areas is critical to economic vitality and job creation.

STATUTORY PASS-THROUGH FUNDING

We call for the preservation of local government revenues which pass through the State of Kansas' treasury. These funds come from a longstanding partnership between local governments and the State and are generated via economic activity at the local level. Both alcoholic liquor tax funds and the local portion of motor fuels taxes should not be withheld from local governments and siphoned into the State General Fund. Local governments in recent years have had to cope with the legislature not funding LAVTRF demand transfers and the machinery & equipment property tax "slider" and should not be forced to further aid in balancing the State's budget.

KPERS FUNDING

We support achieving a fully-funded public employees retirement system within a reasonable period of time. The State should fully fund its portion of the employer contributions, and the local KPERS system should be separated from the state and school retirement system. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire.

KANSAS OPEN RECORDS AND OPEN MEETINGS ACT

We believe that an open government is essential to building public confidence. We support the retention of the exceptions in the Kansas Open Records Act and the permitted subject matters for executive sessions contained in the Open Meetings Act currently found in the law.