

2014 STATE LEGISLATIVE PLATFORM

Adopted by the Johnson County Board of County Commissioners on 11/21/13

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.

PRIORITIES

2.1 MORTGAGE REGISTRATION FEE RETENTION

Johnson County is opposed to any legislation that would reduce or eliminate the existing mortgage registration fee. Any reduction or elimination of this fee would put increased pressure on already diminished property taxes, placing an additional burden on all property owners. While other states may not have this specific fee, they make up for it through increased recording fees or higher taxes. This fee is a minimal part of the total cost of acquiring a mortgage, and the County does not believe this has an impact on the number of mortgages or the competitiveness of Kansas lending institutions.

2.2 FIXTURES

Johnson County is concerned about the potential impact of legislative changes to the current definition of machinery and equipment exemptions. 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. Johnson County continues to support the use of the three-pronged test to determine whether property is real or personal: (1) annexation to the realty; (2) adaption to the use or purpose of that part of the realty to which it is connected; and (3) the intention of the party making the annexation to make the item a permanent annexation to the freehold.

2.3 LEGISLATIVE PARTICIPATION

Johnson County supports local officials and their representatives' ability to freely participate in the legislative process through advocacy and education on issues affecting the County. Local officials, representing their citizens and taxpayers, must retain the authority to make decisions regarding membership in organizations and to participate in the legislative process through advocacy.

2.4 MOTOR VEHICLE SYSTEMS AND PROCESSES

Johnson County supports greater flexibility at the local level in providing motor vehicle services. Burdensome State statutes combined with poorly designed computer systems at the State level have created inefficiencies providing motor vehicle titling and registration services. Johnson County specifically supports elimination of the requirement for County Treasurer's to verify proof of insurance during the vehicle registration or renewal process. This time-consuming requirement does not ensure compliance with the law. We urge the Insurance Commissioner, the Administration and County Treasurers to determine how best to achieve this verification. Johnson County also specifically supports giving more local control of the MVRS system and encouraging further State financial support of KDOR to finish correcting and implementing programming changes to improve the system.

2.5 NON-PARTISAN ELECTIONS

Johnson County supports the current schedule and structure of local elections and is opposed to any legislation that would require that local elections be conducted with partisan identification. The Johnson County Charter, approved by voters in 2000 and reviewed by a Charter Commission in 2011, specifically looked at the issue of partisan elections and determined that they were not in the best interest of Johnson County citizens. This is an issue that is best determined by the citizens and elected officials of each jurisdiction.

2.6 CROSSING GUARD SERVICES AUTHORITY FOR TOWNSHIPS

Johnson County supports changes to statutes governing township authority to allow for the provision of crossing-guard services for schools that do not fall within the boundaries of a City.

2.7 SAFETY FEATURES ALONG K-10

Johnson County supports the Kansas Department of Transportation's efforts to address the issue of cross-over traffic crashes along the K-10 corridor and other similar transportation corridors in Kansas. We support the increased use of safety features, including cabling, along the K-10 corridor to prevent cross-over traffic crashes.

Standing Position

Taxation and Finance

3.1 MODIFICATION TO PENSIONS AND RETIREMENT

Johnson County supports the current plan design, as it applies to Counties, and full funding of the Kansas Public Employees Retirement System (KPERs). Local governments have fully funded their share of the KPERs pool. Johnson County urges the State to fully fund its obligation at the Actuarial Required Contribution (ARC).

3.2 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.

3.3 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.

3.4 COURT OF TAX APPEALS

Johnson County opposes significant changes that impact the authority, jurisdiction, policies and structure of the Court of Tax Appeals. We support adequate funding to operate efficiently and to hear appeals and render decisions in a timely manner. Delays due to lack of funding should not result in counties paying interest charges, nor in properties being inappropriately valued.

3.5 MODIFICATIONS TO CONCEALED CARRY LAW

Johnson County believes local jurisdictions are in the best position to determine how best to maintain the safety of its facilities and employees. Additional definitions of facilities and security measure, as well as personnel policies, should remain in local jurisdictions' authority.

3.6 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.

3.7 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.

3.8 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.

3.9 KANSAS OPEN RECORDS AND 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.

3.10 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).

3.11 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.

Infrastructure and Environment

3.12 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, and supports a regional approach to landfill management and waste reduction methods. 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.

3.13 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. Additionally we encourage state investments in public transit services, particularly along the K-10 corridor, which can ease congestion and delay the need for costly road expansions, as well as the feasibility of expanded toll road utilization.

3.14 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.

3.15 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.

3.16 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.

3.17 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.

3.18 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.

Human Services

3.19 MEDICAID EXPANSION

Providing Medicaid is the responsibility of the State and Federal government. A decision to limit Medicaid expansion will have an impact on the citizens of Johnson County. The federal government will pay 100% of the costs associated with the expansion of Medicaid through 2016 and 90% afterwards. If Kansas does not take this action, there will be approximately 14,000 people in Johnson County (130,000 – 150,000 statewide) without health insurance. These people are below 100% of the federal poverty level (Individual: \$11,500/year, Family of four: \$23,500) but above 32% (Individual: \$3,677/year, Family of four: \$7,520), the cut off for Medicaid in Kansas. The Affordable Care Act provides people in Kansas whose incomes are between 100% and 400% of the federal poverty level access to health insurance through the Marketplace and provides subsidies to help them with the cost.

Those individuals that neither qualify for subsidies or for Medicaid will not be able to obtain preventative and primary care, likely causing them to utilize expensive emergency room service or the safety net services provided by Counties.

3.20 MEDICAID ADMINISTRATION

The State implemented Medicaid managed care in January 2013 with the intent to promote efficiency, care coordination, and increase access to health care through KanCare. The State has pledged there will be no reduction in services, eligibility, or reimbursements rates. KanCare affects vulnerable populations in Kansas and Counties are partners in these programs. We support continued close legislative oversight and stringent adherence to State promises, particularly as intellectual and development disability services are fully moved into KanCare in 2014.

3.21 AGING AND DISABILITY SERVICE CHANGES

Johnson County supports Aging and Disability Resource Centers (ADRC) as part of 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 system, and put into place appropriate quality assurance and oversight features to ensure that seniors, particularly isolated individuals, 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.

Johnson County supports the maintenance of current funding and service levels for Area Agencies on Aging. These services are essential to keep the aging population out of the Medicaid Nursing Home Program.

3.22 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. 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. As the State considers the future of the Rainbow Mental Health facility and the services provided any new proposal must adhere to these specific needs in our community. Too few state hospital beds leads to increased, and often unnecessary, use of law enforcement resources, jails, and local emergency rooms.

3.23 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.

3.24 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.

3.25 COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATIONS (CDDOs)/COMMUNITY MENTAL HEALTH CENTERS (CMHCs)

CDDOs and CMHCs should continue to be designated by boards of county commissioners and determination of the appropriate structure for services to Kansans with developmental disabilities or mental health needs should be determined locally or regionally. The KanCare Medicaid managed care contracts with the privatized managed care companies must continue to adhere to the CDDO and CMHC structures rooted in Kansas statutes.

3.26 LOCAL HEALTH DEPARTMENTS

Local health departments have many mandated but unfunded functions, particularly around prevention and control of communicable disease, 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 (29.9% of adults). 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 42nd in spending per capita. Kansas's ranking for health status has dropped from 12 in 1990 to 18 in 2013 as reported by America's Health Rankings.

3.27 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.

Education

3.28 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.

3.29 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.

Public Safety

3.30 COMMUNITY CORRECTIONS/CRIMINAL JUSTICE

Johnson County recognizes the value of community programs for higher risk youth that can prevent them from becoming involved in the juvenile justice system. This approach has worked very successfully beginning with the state's juvenile justice reform efforts in the 1990's. Unfortunately, funding for juvenile prevention programs has decreased significantly in the past few years. SFY 2014 juvenile prevention funding in Johnson County is a reduction of 81% compared to SFY 2008. It is very likely that this decrease in prevention programs throughout the state will result in more youth in the juvenile justice system taking up very expensive shelter and correctional beds and communities that are less safe. Johnson County urges the State Legislature to increase prevention funding for juvenile programs in local communities.

Johnson County supports the state's adult Justice Reinvestment Initiative and its recommendations that are based upon evidence-based practices. The 2014 State Legislature should quickly restore all adult funding reductions implemented by the 2013 Legislature in the SFY 14 budget for the Kansas Department of Corrections. Without restoration of this funding, the projected future bed savings from last year's HB 2170 will not be realized and there will not be enough program funds to help probation offenders succeed in the community. Further, the Legislature should fully fund all services in the SFY 15 Corrections budget. The Governor vetoed the SFY 15 Corrections budget because funding was significantly decreased by the 2013 State Legislature. Full funding is necessary for protection of the public in our communities, to fund the programs mandated by the state and needed at the local level, and to ensure additional financial burdens are not passed to communities and local jails.

3.31 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.

Johnson County supports an adequate budget for the Office of Judicial Administration to ensure the continuous funding of the courts and prevention of furloughs. Court shut-downs create for delays in the administration of justice including hearings for those who may be held in county jails which impacts county budgets. The efficient administration of justice is considered to be a priority to protect the rights of all our citizens.