

2009 Federal Legislative Platform



JOHNSON COUNTY, KANSAS

Adopted February 26, 2009

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CORE PRINCIPLES

Oppose Unfunded Mandates

Johnson County supports minimizing the negative 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.

Financial Stability for Fundamental Government Services

Many fundamental 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 fundamental services that result from actual cuts, as well as, cuts which result from a lack of inflationary adjustments.

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 the imposition of tax or spending lids.

LEGISLATIVE PRIORITIES

Note: Items denoted with an * are supported both by Johnson County Government and selected cities within Johnson County.

Implementation of American Recovery and Reinvestment Act

In the implementation of the American Recovery and Reinvestment Act, Johnson County encourages Congress to bear in mind how the following factors affect local government’s ability to implement many of the programs: level of regulations for implementation, length of time available to spend funds, local matching requirements, ability to secure staffing to oversee the expenditure of funds, and greater flexibility to spend those funds to achieve the overall objective of economic recovery.

Tax Increase Prevention and Reconciliation Act (TIPRA)

Under the 2006 Tax Increase Prevention and Reconciliation Act, Congress created section 3402(t) of the Internal Revenue Code, requiring governments spending more than \$100 million annually on goods and services to withhold 3% of the payments made to vendors and contractors and remit this amount to the federal government. Irrespective of the one-year delay of this legislation approved in the American Recovery and Reinvestment Act through December 31, 2011, Johnson County requests the repeal of section 3402(t). Johnson County opposes this unfunded federal mandate primarily based on the excessive administrative burden and accompanying costs associated with implementing this mandate. Additionally, this mandate may severely impact and inhibit the County’s purchasing card program, a vital procurement tool used by the county to efficiently and cost-effectively procure goods for our organization.

* Mandatory Collective Bargaining

Johnson County opposes legislation such as H.R. 413 that mandates collective bargaining with public safety employees. These types of federal legislation undermine local municipal authority over employment decisions, and unfairly single out a specific group of employees for special rights.

Funding for Mass Transit Projects

Johnson County supports continued funding for transportation initiatives including:

- **Johnson County Transit Maintenance Facility Upgrades:** \$3,975,000 for upgrades and expansion to the existing Murray L. Nolte Transit Center. The upgrades and expansion include; but are not limited to: expansion to bus canopy, bus wash, generator upgrades, and maintenance bay expansion and other ancillary outbuildings. The local match associated with this request is \$993,750. These funds are being requested from the Federal Transit Administration Bus and Bus Facility Grant Program.
- *** Re-Designation of Existing I-35 Commuter Rail and I-35 Fixed Guideway Funds:** Johnson County requests the re-designation of \$3,005,078 in existing Federal Transit Authority (FTA) funds for I-35 (Commuter Rail and Fixed Guideway) be converted to the FTA Bus and Bus Facility funding category. If these funds were redesignated, they could be used to offset the I-35 Fixed Guideway service deployment request. This request will require a congressional language change.
- **Bus Replacement:** \$3,000,000 for the replacement of buses. Johnson County Transit will have 17 thirty foot transit coaches that will reach their useful life expectancy by 2010. This request along with our local match of \$750,000 will help fund ten replacement buses for commuter express transit service. These funds are being requested from the Federal Transit Administration Bus and Bus Facility Grant Program.
- **Bus Expansion:** \$5,440,000 to purchase expansion vehicles to begin implementation strategies of the JCT Five Year Plan and to accommodate increased ridership and service demands. The \$5,440,000 along with the \$1,360,000 in local match will result in a \$6.8 million capital investment for JCT. These funds are being requested from the Federal Transit Administration Bus and Bus Facility Grant Program.
- **Mission-Overland Park Transit Service Implementation Plan Study:** \$250,000 for detailed implementation and environmental work for the locally preferred transit alternative for the Metcalf/Shawnee Mission Parkway corridor. The local match of \$62,500 will be a combination of both city and

PRIORITIES

county funds. These funds are being requested from the Federal Transit Administration Bus and Bus Facility Grant Program.

- *** I-35 Fixed Guideway:** \$9,166,800 to deploy expanded Premium Express Bus service in and along the I-35 Corridor. This service in the corridor was identified as a cost effective approach to help relieve congestion and increase mobility options for residents and commuters in the corridor. This project was submitted as part of the Metropolitan Area Call for Projects for the Economic Stimulus Package. The local match associated with this request is \$2,291,700.
- **Metcalf/Shawnee Mission Parkway Transit:** \$9,500,000 to deploy Premium Express Bus service in and along the Metcalf/Shawnee Mission corridor. This service in the corridor was identified as a cost effective approach to help relieve congestion and increase mobility options for residents and commuters in the corridor as part of a overall redevelopment process. This project was submitted as part of the Metropolitan Area Call for Projects for the Economic Stimulus Package. The local match associated with this request is \$2,375,000.

Bryne-Justice Assistance Block Grant

Initial information received on the Stimulus Package is that Byrne Competitive Grants will be funded at \$225 million and Byrne JAG at \$2 billion. It is hoped that this will allow for the restoration of reductions that took place in the Byrne grant program in FY 2008. This resulted in severe programming cuts at the state and local levels. In Johnson County these funds have been utilized to fund the very successful Therapeutic Community at the Adult Residential Center. This program has a success rate of 77%. Further cuts to this program will threaten the continuation of the program and could result in offenders being sent to the state prison system.

Transportation Issues for the Logistics Hub KC

Johnson County supports the Cities of Gardner and Edgerton in their efforts to secure funding for any and all transportation provisions necessary to support traffic to and from the KC Logistics Hub. Specific projects include:

- A new interchange along I-35 in the vicinity south of Gardner Road.
- Improvements to the current Gardner Road interchange on I-35 in the amount of \$2 million. These improvements are needed prior to construction of the new interchange to service the project during construction and after opening until the new interchange is complete.
- Roadway connecting 56 Hwy to the new interchange on I-35. This roadway will require two overpasses on Waverly Road, one over the BNSF mainline and another over the intermodal lead tracks.
- Increase capacity at I-35 and 175th Street (Exit 210) to service expanding business at New Century Air Center including a recently approved 2 million square foot warehouse facility of which 1.1 million square feet is set aside for Coleman LLC.
- Capacity improvements on I-35 south of the new Lone Elm interchange to the Johnson County line. This includes adding a third lane to improve safety of traffic on this highly used section of interstate.

PRIORITIES

Withdraw Medicaid Regulations Proposed by the Bush Administration

Last year the Administration proposed to implement a number of regulation changes to the Medicaid program which would have had a serious negative impact on disabled populations. The American Recovery and Reinvestment Act placed a moratorium on several of those proposed rules until July 1, 2009. We urge Congress and the Administration to withdraw all the proposed Medicaid regulations, and to develop policies which will assure access to essential community services for those disabled by mental illness, developmental disabilities and other behavioral health disorders.

Medicaid Eligibility for Incarcerated Individuals

Johnson County supports changes in current Federal policy that will allow a Medicare or Medicaid eligible person, who has been charged with a crime and incarcerated, but not convicted, to continue to be eligible for Medicare or Medicaid medical benefits until such time as they may be convicted.

Developmental Disabilities

Johnson County supports efforts to recruit and retain a stable Direct Support Professional (DSP) workforce in order to provide consistent, quality supports for people with developmental disabilities (DD) and their families. Toward this end, the County supports H.R. 868, the Direct Support Professionals Fairness and Security Act of 2009, giving states a much-needed option to secure additional federal dollars for the direct support workforce.

LEGISLATIVE POSITIONS

Justice, Public Safety and Homeland Security Second Chance Act

Johnson County supports the funding of the Second Chance Act as provided in the stimulus package and strongly urges support of the full funding of the legislation in the FY 2010 federal budget. Furthermore, the County encourages a five-year funding commitment in order to produce long-lasting sustainable change as outlined in the legislation. This will help offenders who have been released from prisons and local jails become productive citizens. It provides for numerous programs and services that will address the transition of offenders back into their communities. It includes provisions for needed mental health and substance abuse treatment services as well as transitional housing and job placement. Johnson County is anxiously waiting for the funding of this legislation and intends to effectively coordinate the County's application for funds to ensure that the offenders receive the services most needed.

Juvenile Accountability Block Grant

Johnson County urges Congress to increase funding for the Juvenile Accountability Block Grant in FFY 2009. This funding supports extremely valuable juvenile justice programs at the state and local levels. These programs allow state and local governments to institute effective and needed system reforms and programming to improve the quality and accessibility of community and criminal justice based services. Without such

Johnson County, KANSAS

funding, the state and local governments will not be able to implement programs that will ultimately reduce crime and reduce the flow of youth into the juvenile justice system.

*** Homeland Security Program**

Johnson County supports federal legislation or requirements that would improve homeland security grant programs by streamlining application and planning requirements, promote flexibility, and provide first responders and county governments with additional resources in an expedited fashion. Priority funding decisions should be based on a regional and/or a multi-jurisdictional planning and collaborative effort between state and all levels of local governments.

*** Emergency Management Performance Grant Program**

Johnson County supports the expanded funding of the Emergency Management Performance Grant Program. The program should be maintained as a separate all-hazard program focused on capacity building for all-hazards preparedness, response, recovery and mitigation at the state and local levels. The program should have processes put into place to ensure equitable distribution between state governments and county governments as the EMPG program is meant to support emergency management programs on the local level.

Taxation and Revenues

*** Taxation Rules on Vehicles and Electronic Devices**

Johnson County supports an amendment to the Internal Revenue Code that would exempt the use of vehicles and electronic communications equipment and services by employees from being considered taxable fringe benefits. Inclusion of the value of the use, personal or business, of such devices, used in the performance of governmental services, impairs the ability of government agencies to cost-effectively manage resources through usage of pooled cost plans and provision of information technologies that enhance employee productivity.

*** Collection of Sales Tax on Remote Sales**

Johnson County supports federal legislation that would treat retail sales the same for the purposes of state and local sales taxation, regardless of whether the sale is conducted in person or by telephone, Internet, mail, facsimile, or other electronic means, and that remits electronic sales tax revenues to the taxing jurisdiction in which the sales originated.

Infrastructure and Environment

*** Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU)**

Johnson County urges Congress to authorize full annual appropriations throughout the life of the SAFETEA-LU legislation for critical local transportation improvements in both the County and metropolitan region. It is vital that work begin now on the reauthorization of SAFETEA-LU which is set to expire on October 1, 2009. Johnson County believes that reducing transportation spending impedes economic growth, slows the movements of freight and individuals, increases disaster response times, and places enormous strains on local government resources. Reductions to the authorized spending levels in SAFETEA-LU will cause dramatic and unintended consequences to our nation's vital transportation system.

Additionally, Johnson County urges Congress to fulfill previous funding commitments on designated transportation projects. Furthermore, Johnson County supports increasing investments in transportation and directing resources strategically to meet today's challenges such as growing freight movement, environmental sustainability, metropolitan mobility, and traveler safety.

*** Environmental Protection and Energy Conservation**

Johnson County supports federal 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.

*** Funding for Congestion Mitigation/Air Quality (CMAQ)**

Johnson County supports continued CMAQ funding to help protect the region's air quality. During the 2007 ozone season, ground level ozone concentrations in the region – measured at multiple sites throughout the region - exceeded the U.S. Environmental Protection Agency's standards. The Kansas City metro did have several violations of the EPA ozone standard, but will not lose attainment status this year. However, continued attainment may not be successful, which puts future CMAQ funding to the region at risk. The Kansas City Region has used CMAQ funding for a variety of projects that have had a significant impact on improving air quality, but much more work is still needed over the next decade. We strongly encourage continued and enhanced funding of this critical program to help reduce air pollution in our region.

21st Century Watershed Act

Johnson County supports the updating of the federal clean water act to give regulators and utilities the tools they need to adequately address the environmental concerns of today. Areas of special concern are wet weather events, nutrient removal and non-point source contributions. The updated act should address, at a minimum, good science, a watershed based approach, a cost-benefit analysis, and a funding assistance mechanism.

Elections

Mandated Paper Receipts for Voters

Johnson County Government opposes any mandated requirement of voter election receipts (Voter Verifiable Paper Audit Trails, or VVPATs) or paper ballots that does not also adequately provide for full funding.

Workforce

Workforce Investment Act

Johnson County urges Congress to modify the Workforce Investment Act (WIA) to ensure its continued effectiveness in addressing the needs of all of America's workers. Johnson County believes that modifications to WIA should be minimal and efforts to reform the Act should be limited to those issues likely to enhance and maintain the program both for employers and workers.