

# 2009 State Legislative Platform



JOHNSON COUNTY, KANSAS

**Adopted November 20, 2008**

## **2009 Board of County Commissioners:**

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**Jim Allen, 2nd District**

**David A. Lindstrom, 3rd District**

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# 2009 Core Principles

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The seven-member Board of County Commissioners is Johnson County's chief governing and policy-making body. Six of the Commissioners are elected to four-year terms in districts that are roughly equal in population. The seventh Commissioner is elected for a four-year term by the county at-large and serves as the chairperson. There are 39 departments and more than 4,100 employees in Johnson County Government working together to provide a variety of services to residents.

## **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.

## **MAINTAIN FINANCIAL STABILITY FOR COUNTY GOVERNMENT 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.

## **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 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 increase local ability to raise revenue.

## **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.

# 2009 Priorities

## *Public Safety*

### **MAINTAIN EXISTING 911 FUNDING AUTHORIZATIONS TO 2020**

Johnson County seeks to preserve the current E9-1-1 funding mechanisms for the next ten years. Ongoing changes in commercial communications technologies require ongoing technology and equipment enhancements to E9-1-1 and public safety communications systems to ensure the provision of effective E9-1-1 service. Continuation of existing E9-1-1 funding mechanisms is essential to meet that service goal.

### **FUND ADDITIONAL JUDGES**

Johnson County urges the Legislature to fund an additional District Judge for Civil Court, including a court reporter and administrative assistant, as well as an additional Magistrate Judge for Traffic Court for the Tenth District as recommended by the Kansas Supreme Court.

## *Human Services*

### **ACCESS TO STATE MENTAL HEALTH HOSPITALS**

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. Johnson County supports the proposal by SRS to fund, in the amount of \$5,045,248 of state general funds, contracts with local community hospitals to provide inpatient psychiatric care. Further, the legislature should restore operational funding for the recently remodeled additional 30 bed unit at Osawatomie State Hospital.

### **CORE SERVICES TO SENIOR ADULTS**

In order to meet the needs of senior adults who are frail and in need of assistance to remain in their homes, Johnson County urges the Legislature to restore statewide funding to provide access to core services in the amount of \$819,674.

### **SUSPENSION OF MEDICAID ELIGIBILITY FOR INMATES**

Johnson County supports the Kansas Association of Counties' efforts to support the state suspension of Medicaid coverage for incarcerated populations rather than termination. This is an important distinction as it would allow Medicaid coverage to resume quickly after release from incarceration.

### **MENTAL HEALTH SERVICES TO UNDERINSURED**

Johnson County supports increased 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. Specifically, Johnson County supports the restoration of \$8.8 million in grant funds to the SRS budget for distribution to Kansas CMHCs, and opposes the recommendation by SRS to reduce CMHC grant funding by an additional \$5 million.

## *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.

# 2009 Priorities

# Standing Positions

## *Infrastructure & Environment*

### **DIESEL TRUCK EMISSIONS**

Johnson County seeks a statutory change to permit urbanized counties to adopt and enforce local environmental controls on heavy duty truck and commercial warehousing operations that generate diesel emissions, as long as those controls are at least as stringent as required under state and federal law.

### **COMPREHENSIVE TRANSPORTATION PLAN**

Recognizing that transportation infrastructure is critical to public safety and quality of life, Johnson County government and the Cities within Johnson County support maintaining funding for the comprehensive transportation plan and encourages KDOT to give economic development greater consideration in the awarding of grants to local governments to build and reconstruct critical highway infrastructure, new infrastructure and other transportation mobility options. Further, Johnson County government and the Cities within Johnson County vigorously oppose any action of the state to reallocate federal transportation monies earmarked for and shared with counties and cities to finance any state revenue shortfalls in a comprehensive transportation program.

### **SOLID WASTE**

As home to the largest landfill in Kansas, Johnson County supports state legislation to ensure that the county and its cities receive their fair share of revenue for local recycling and waste reduction projects including outlets to recycle electronic waste such as old computers, and for public

infrastructure related to the landfill operations. The County also urges the Legislature to amend KSA 65-3410 to clarify that counties may, at their discretion, assess reasonable fees to finance the implementation of county solid waste management plans.

## **STANDING POSITIONS**

### *Education*

### **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.

### **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.

### **TRUANCY**

The Board of County Commissioners requests the Legislature define the term “significant portion of the day” related to truancy in the public school system to clarify state policy and ensure uniform state-wide enforcement.

# 2009 Standing Positions

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## *Finance and Taxation*

### **ALTERNATIVE 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.

### **BIDDING AT TAX SALES**

Johnson County supports a clarification of the public policy against allowing a mortgage holder to purchase property at auction and subsequently return that property to the property owner.

### **COLLECTION OF STATE AND LOCAL SALES AND COMPENSATING USE TAX**

Johnson County supports the continued policy that treats 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 state in which the sales originated. Johnson County urges the legislature to continue their efforts to streamline the sales tax system and maintain a viable sales and compensating use tax system, which includes a local component.

### **SALES TAX EXEMPTIONS**

In order to preserve the state and local sales tax base, Johnson County opposes any additional sales tax exemptions, and continues to urge the elimination of those exemptions that no longer serve a substantive public policy.

### **LIMITS ON APPRAISED VALUATION GROWTH**

Johnson County opposes the imposition of artificial limits on appraised valuation growth by the state.

### **COUNTYWIDE LOCAL SALES TAX AUTHORITY**

Johnson County supports the Kansas Association of Counties' initiative for an increase in the current statutory authorization for countywide sales tax.

### **TAXATION OF HEAVY TRUCKS**

Johnson County seeks legislation to place the taxation of heavy trucks carrying tag weights of 16,000 and 20,000 pounds within the state's Vehicle Information Processing System (VIPS) instead of on the Personal Property tax roll. This will streamline the registration and tax collection process.

## *Governance*

### **INCORPORATION OF CITIES**

Johnson County supports a change in state law regarding the incorporation of a new city in counties with five or more county commissioners. A two-thirds majority vote of the county commission is sought instead of a unanimous vote to approve the incorporation. To ensure the successful management of newly created cities, it is proposed that the county commission conduct a review of the services provided by a newly incorporated city five years following the incorporation, and similar to procedures for annexation, provide the city an opportunity to correct any deficiencies and provide the citizens an opportunity to petition or vote for dissolution of the city if the deficiencies are not corrected.

# 2009 Standing Positions

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## *Human Services*

### **AFFORDABLE HOUSING**

Johnson County supports the efforts of the Kansas Housing Policy Network to promote and encourage the development of affordable workforce housing and fund the statewide Housing Trust Fund. Further, Johnson County supports giving local governments the tools to support and encourage affordable workforce housing including the establishment of a county housing trust fund to be supported from local resources.

### **DEVELOPMENTAL DISABILITIES**

Johnson County supports a quality-based (Q-Base) approach to the provision of developmental disabilities services. As such, Johnson County supports the recommendations of the Legislative Budget Committee to fully fund the statewide Home and Community Based Services (HCBS) waiver program and its waiting list which contains over 500 Johnson County citizens with developmental disabilities. Furthermore, Johnson County supports the recommendations of the Legislative Budget Committee to increase HCBS reimbursement rates to a reasonable and adequate level.

### **GERIATRIC MENTAL HEALTH ACT**

Johnson County supports the passage of the Geriatric Mental Health Act which would establish geriatric mental health education, outreach and service programs administered by the Kansas Department on Aging, and urges the Legislature to allocate \$1.8 million to the

Kansas Department on Aging's budget to fund the Act. The Act would link the Area Agencies on Aging with Mental Health Professionals for the purpose of better serving older adults with symptoms of mental illness, a rapidly emerging group in Kansas. Passage of this Act should increase the State's ability to divert this population from premature institutionalization.

### **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.

### **TOBACCO CONTROL INITIATIVES**

Johnson County supports dedicating excess Master Tobacco Settlement Agreement funds to counties through health departments to implement local health promotion to citizens of all stages of life, including senior citizens. Johnson County also supports the use of this funding for tobacco control measures.

### **JUVENILE JUSTICE**

Johnson County commends the Legislature for additional funding to the Juvenile Justice Authority for distribution to juvenile corrections programs in the communities and supports the continuation of this funding. Furthermore, Johnson County supports increased funding to JJA for distribution to juvenile

# 2009 Standing Positions

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programs in the communities because current funding is insufficient to address the existing workload and provide the types of services required.

## *Infrastructure and Environment*

### **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 foreign 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.

### **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.

### **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 related to water quality standards and use designations.

### **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.

### **PROMOTE E-GOVERNMENT 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.

## *Public Safety*

### **HOMELAND SECURITY**

Johnson County supports the ongoing statewide coordinated effort to ensure that requirements placed on local entities are not duplicative or unduly burdensome and that any such current or new requirements are sufficiently funded.

### **COMMUNITY CORRECTIONS ADVISORY BOARD**

Johnson County supports a statutory change to KSA 75-5297 to allow the Johnson County Board of County Commissioners to appoint a maximum of six members to the Community Corrections Advisory Board.

# 2009 Joint County/City Platform

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Johnson County is a community of communities. Representatives of County and Municipal government within Johnson County have met and agreed that the following issues are mutually important to their respective interests.

## **COMPREHENSIVE TRANSPORTATION PLAN**

Recognizing that transportation infrastructure is critical to public safety and quality of life, Johnson County government and the Cities within Johnson County support maintaining funding for the comprehensive transportation plan and encourages KDOT to give economic development greater consideration in the awarding of grants to local governments to build and reconstruct critical highway infrastructure, new infrastructure and other transportation mobility options. Further, Johnson County government and the Cities within Johnson County vigorously oppose any action of the State to reallocate federal transportation monies earmarked for and shared with counties and cities to finance any state revenue shortfalls in a comprehensive transportation program.

## **KANSAS OPEN RECORDS AND OPEN MEETINGS ACT**

Johnson County government and the Cities within Johnson County believe 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. Johnson County government and the Cities within Johnson County 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.

## **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 government and the Cities within Johnson County oppose the removal or preemption of the local option provision from the Public Employer-Employee Relations Act (PEERA).

## **DEMAND TRANSFERS**

Johnson County government and the Cities within Johnson County support the reinstatement and full funding of the State's three revenue sharing programs with local governments, known as "demand transfers," at the statutorily required levels and oppose legislation that would further reduce or eliminate this aid, particularly if reductions are not replaced with fair and adequate alternate sources of revenue. We recognize that the Kansas Expanded Lottery Gaming Act passed during the 2007 legislative session which contains provisions that the State's portion of expanded gaming revenue will be used in part to restore the LAVTRF. We applaud this action and encourage the Legislature to retain this funding.

## **MAINTAIN EXISTING 911 FUNDING AUTHORIZATIONS TO 2020**

Johnson County seeks to preserve the current E9-1-1 funding mechanisms for the next ten years. Ongoing changes in commercial communications technologies require ongoing technology and equipment enhancements to E9-1-1 and public safety communications systems to ensure the provision of effective E9-1-1 service. Continuation of existing E9-1-1 funding mechanisms is essential to meet that service goal.

## **LEGAL NOTICE PUBLICATION**

Johnson County supports legislation to allow for electronic posting of legal notices. State law requires local governments to publish legal notices in each jurisdiction's publication of record. As a result, there are considerable costs to taxpayers. Allowing for posting of legal notices on the County's website not only allows for more residents to have easy access to the information but results in considerable tax dollar savings. As a final consideration, information on the website is free, while residents must purchase newspapers.