

# 2017 Douglas County Legislative Statement

## Introduction

The 2017 Legislature faces some very big challenges this year. State finances are at a historic low point as a direct result of policy initiatives of past legislatures that have failed. Local governments this year will be at risk to follow the same path that the state has followed as a result of the budget lid limitations imposed by the 2015 legislative session. But there is a potential silver lining. There appears to be a consensus developing by a growing number of state leaders that the current the tax policies and resulting expenditure cuts of the last few years have gone too far. In fact there is now hope that the state will consider a more responsible path during the 2017 session.

Actions taken by the state legislature in recent years, particularly the budget lid law that became effective this week, continue to hamstring the ability of Douglas County government to deliver essential public health and safety services to our residents. Depending on whether the budget lid is eventually repealed, this law will eventually, over a number of years, cause local governments in Kansas to experience the same financial challenges that the state is facing. Essential public health and infrastructure maintenance services will deteriorate. Dedicated competent public employees will seek employment elsewhere as wages gradually become less and less competitive. Critical infrastructure will deteriorate as projects are deferred, and borrowing costs will increase as bond ratings deteriorate.

To make matters worse, the County's 2017 budget continues to absorb the consequences of the state government's failure to maintain essential services. The most onerous ongoing example this year is the failure of the state to meet even the most minimal standards for critical mental health services for our most vulnerable citizens at the Osawatomie State Hospital. This failure continues to overwhelm the local mental health infrastructure.

The extent to which the Douglas County Commissioners will be able to preserve even basic public health, and infrastructure services, and to address critical mental health needs, will be directly related to your efforts as legislators to protect Kansas local governments from taking on more responsibilities than the state has already imposed, however; your ability to correct or at least amend the budget lid law to provide reasonable exceptions.

We appreciate your service to the residents of Douglas County and understand the difficult decisions with which you are faced. Our mutual responsibility to serve the residents of Douglas County is our shared highest priority and we look forward to working with you to meet their needs.

## High Priority Issues

**Spending and Taxing Lids.** Last year our policy stated that "we strenuously oppose any constitutional or statutory amendment to impose additional spending or taxing limitations on county government. Elected county commissioners should be responsible and accountable to make budget and spending decisions on behalf of constituents and local communities. Spending and taxing lids conflict with home rule powers and constitute an unnecessary infringement on local control." There were no bills introduced last session to impose a budget lid until after the legislature was scheduled to adjourn. And yet a budget lid was somehow passed in the waning hours of the 2015 legislative session without any public hearing or consideration of its impacts on the ability of Kansas local governments to meet their basic responsibilities to our residents.

This year, we would ask that the legislature consider an additional exception to the budget lid law to cover operating costs related to providing community mental health services. The fact that the county is considering a significant increase in the provision of mental health services at the local level is a direct result of a deliberate policy decisions of the state over the last decade to dramatically cut the level of mental health services and mental health beds, with clear statements that those services could be better provided by each local community. But the budget lid law prevents local communities from filling that gap within the existing safety net of public health.

**Prison Sentencing Laws, and related Mental Health Issues.** There is discussion of a proposal at the state level to send the overflow in state prisoners to the county jails at very low reimbursement rates as a means to control the state's corrections budget, without building new prisons. This proposal will make absolute sense to a legislature that looks no further than the bottom line of the state budget, but it continues to be a disaster for counties. Forcing Douglas County taxpayers to subsidize the room and board for prisoners who are the responsibility of the state, is unfair.

The state must re-examine sentencing laws that are a significant reason that the incarceration rates in Kansas are higher than many other states, at both the county and state levels. The Douglas County incarceration rate has increased over the last year, but it continues to be lower than most counties in Kansas. But our incarceration rate is not low when compared to incarceration rates in other states. This is partly because our district court judges are required to sentence convicted individuals according to Kansas state law that provides for mandatory sentencing with little flexibility, and it is partly because the state has chosen to understaff district courts in a way that increases the time that individuals stay in county jails awaiting their turn for trial. Neither of these causes can be fully addressed by the County. They must be addressed by the state legislature. But because the fiscal consequences of the failure of the state to address these issues falls to the counties, there is no fiscal incentive for the state to do what needs to be done.

The incarceration rates in county jails are also higher as a result of the failure by the state to provide appropriate levels of long term mental health treatment services, combined with a failure to provide adequate short term mental health treatment services. In particular, restored funding to serve our uninsured and underinsured populations is where the need is most critical as our community mental health center struggles to meet the demand to serve individuals who have limited to no access to treatment options. In addition, funding to support housing services and resources that are available to individuals suffering from mental illness is a crucial need to ensuring that the continuum of care is in place for these vulnerable citizens who are often challenged in maintaining consistent, stable housing.

Douglas County does not incarcerate individuals in the county jail because they are mentally ill, however; the failure to provide adequate mental health facilities, often causes individuals in distress to take actions that lead to their arrest and incarceration. Today, when a law enforcement officer is called to a residence with a citizen experiencing a mental illness related crisis, more timely and appropriate crisis intervention therapeutic options are needed. Currently, those alternative options are limited.

The percentage of citizens in our county jail that have been diagnosed with serious mental illness is currently averaging about 18% which is consistent with national averages, and the county is currently working on an initiative to divert as many of these individuals as possible into proposed crisis intervention services, but it is beyond the capacity of the county to provide the long term services that the state no longer provides adequately. Our ability to prevent the escalation of behavioral health crisis and avoid unnecessary incarcerations and hospitalizations

of individuals with mental illness and substance abuse disorders would be better served if behavioral health providers and facilities with the authority to keep individuals in crisis are able to do so for up to 72 hours of emergency operation and treatment, rather than the current 24-hour crisis observation period. Only the state has the capacity to address this need and others for our most vulnerable citizens, and it is essential that the state quit pretending that this need does not exist.

## **Other Issues**

### ***Public Health and Safety***

**Oversight of Privatized Health Care.** As the State of Kansas looks to privatized health care to provide traditional government services, especially with regard to Medicaid, we ask that legislators work to assure that there is an appropriate level of government oversight to ensure adequate service and fiscal responsibility.

**Community Corrections.** We support full funding for mandated community corrections programs and grants. Community correction services for adults reduce community risk and offender recidivism, which decreases taxpayer expense. In addition to serving non-violent, high-risk offenders, local community corrections also provide juvenile-offender supervision. The juvenile programs should include graduated sanctions, evidence-based practices, and prevention-funding to help reduce the number of juveniles from entering the correctional system. Additional funding produces a significant return on investment through reduced crime, incarceration, and recidivism.

**Funding of Local Health Departments.** We support increased state funding of local health departments. Local health departments have many mandated but unfunded functions that compete for limited resources. Health department costs rise every year with flat state funding, and thus put more pressure on property tax levies.

**KanCare Expansion.** We support expansion of the Kansas Medicaid program, KanCare, bringing more federal dollars to Kansas, and extending healthcare coverage to our lower income residents. The continued failure of the state to expand Medicaid places a greater fiscal burden, not only on our lower income residents, but also on the County's budget and the local property tax load.

### ***Governmental Organization***

**Home Rule.** We support constitutional home rule for counties and oppose any additional erosion of existing statutory home rule authority. We support counties using their current home rule powers when applicable rather than seeking specific legislative remedies.

**Open Meetings.** We believe that openness in county government is essential to building public confidence. However, we believe there are times when privacy or other legitimate reasons require executive sessions.

**Open Records.** We support retention of current exemptions to the Kansas Open Records Act.

### ***Environment, Energy, and Land Use***

**Conservation Easements.** We oppose any legislative initiative to repeal conservation easements. Conservation easements are an important legal instrument for both landowners and public entities to conserve prime farmland, forests, prairies, wetlands, historic areas, wildlife habitat, and scenic views for the benefit of future generations.

**Renewable Energy Standards.** We support the state's actions to encourage development of wind and solar resources and strongly oppose any initiative to abandon these efforts.

**Housing.** We support counties' home rule authority to address affordable housing needs, which are now at a crisis level, through all available methods, including inclusionary zoning. This includes a repeal of the prohibition in state law that removes this option for local governments.

**Local Food System Support.** We support the recommendations of the State's Local Food and Farm Task force to create a statewide Local Food and Farm Plan with policy and funding recommendations to increase production of locally-grown foods. Specifically, we support their recommendation to continue budget support for KSU Research and Extension positions to support specialty crop growers and local food system support.

**Renewable Energy & Property Assessed Clean Energy (PACE) Legislation Support.** We support public and private incentives to encourage investment in renewable energy sources. The County supports the goal of having a 20% renewable portfolio for regulated utilities by 2020. We encourage the State to work with communities to pursue manufacturing facilities for wind, biomass, solar and other energy related industries in Kansas. The County also supports legislation that would allow for the assessment of clean and energy efficient improvements to properties, to be assessed on a parcel's property taxes over a period of years. Twenty-four states have adopted such PACE legislation. The proposed bill would allow for the creation of local programs that would have no impact on the State budget while increasing energy efficiency.

### ***Taxation and Finance***

**Alternative Taxing Authority.** There is great stress on the property tax as a means of financing county services. There is also tremendous diversity among counties' economic bases, which makes a uniform approach to funding local services difficult. As such, we support legislation to provide a statutory menu of taxing and revenue options to finance county services which could be exercised by boards of county commissioners on a county by county basis. This issue has become more pressing as the state moves toward elimination of the income tax, placing more mandates on counties.

**Streamlined Sales Tax** – We support federal legislation requiring retailers in other states to collect sales and use taxes on remote sales. We also oppose regulations that hinder implementation of the Streamlined Sales and Use Tax Agreement.

**Assessed Valuation Limitation.** We oppose any constitutional or statutory amendment limiting the change in assessed valuation for a parcel from one appraisal year to the next. Such proposal would create unnecessary inequities among parcels and would unnecessarily shift the property tax burden to older, mature properties.

**Tax Base Exemptions.** We oppose any further exemptions to the ad valorem property tax base or the state/local sales tax base. Exemptions only shift the burden of financing vital services to an increasingly narrow tax base.

**Fee Sweeps.** We oppose any legislation that sweeps fees intended for distribution to local government into the state general fund for use by the state.

**KPERS and KPF.** We oppose actions that would undermine the fiscal integrity of KPERS or KPF including privatization or transfer of pension funds to prop up the state general fund. Counties are now required in our audits to report our share of the unfunded portions of the growing liabilities, even though we are not permitted by state law to fund this liability. Deferring this cost to future generations is irresponsible and it desperately needs to be addressed by the legislature.

**Fiscal Support of District Courts.** We continue to urge the legislature to fully fund the state's district court obligations as set out by existing state law. Douglas County continues to pick up ever increasing portions of the district court budget as state funding has failed to keep pace with the fiscal needs of the court system.

### ***Infrastructure and Public Works***

**Right of Way Management.** We vigorously oppose restrictions to counties' ability to manage their rights of way or to recover public costs incurred when such property is necessarily used by regulated and non-regulated utilities or service providers. The management of public rights-of-way is a fiduciary responsibility of county government.

**Transportation Network.** The need for a functional, safe and well-maintained highway system is vital to the economic health of Douglas County and the State of Kansas, which requires a strong and appropriately funded Kansas Department of Transportation (KDOT). Restoration of funding that has been diverted to other state needs is strongly encouraged. Further, Douglas County favors legislation that produces safe and reliable infrastructure, and opposes legislation that speeds the decline of our roads and bridges, e.g. legislation increasing legal load limits for trucks.

The following transportation projects are strongly supported as well:

- **South Lawrence Trafficway.** With the opening of the east leg of the SLT (K-10), it is apparent (as expected) that the west leg of the SLT from I-70 to US-59 highway needs expanding to four lanes. All efforts should be made to move this project forward as swiftly as possible.
- **Route 438 Connection** – The County supports a connection to Douglas County Route 438 from the planned interchange at K-10 & I-70 (Kansas Turnpike).
- **Interchange at K-10 & Wakarusa Drive.** The County supports construction of an interchange as soon as possible near K-10 (SLT) & Wakarusa Drive. This could be constructed before expansion of the west leg of the SLT to four lanes. Douglas County stands ready to partner in a project to extend Wakarusa Drive from the new interchange to Route 458. Construction of this interchange would allow removal of two existing at-grade intersections on K-10, i.e. at Wakarusa Drive and at Kasold, thereby improving safety.