

## **2024 State Legislative Program**

***State and local governments work collaboratively to provide residents with many public services. As a local branch of government, we understand our residents' needs and are better suited to respond to those needs effectively and efficiently. We respect the state government's role but will continue to advocate for the protection of home rule authority to ensure our residents' needs are met. We favor governance at the local level, and we support the following positions and will advocate for them on behalf of our community.***

### **Constitutional Home Rule**

The City of Overland Park strongly opposes any alterations or limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Home Rule Amendment of the Kansas Constitution as approved by voters in 1960.

### **Support Maintenance of State Funding**

The issue of maintaining local government revenues is a prime concern for the City of Overland Park, particularly given the budget challenges at both the city and state level. State transfers to local governments have significantly been reduced or eliminated over the last twenty years. The City of Overland Park calls on the Legislature to meet its fiscal responsibilities to cities by maintaining and restoring state funding to local governments. The City supports a balanced state budget that does not rely on reductions in funding for local government; more specifically, the state should honor its partnership with local governments via alcoholic liquor tax funds and motor fuels tax receipts.

### **Statewide Transportation Improvement Plan**

The City of Overland Park supports full funding of the State's comprehensive transportation plan known as the Eisenhower Legacy Transportation Program and vigorously opposes any movement to reallocate state transportation funding to cover state budget shortfalls, including but not limited to the dedicated sales tax intended to generate revenue to pay for projects. The City also encourages strategic selection of project funding that gives preference to projects which enhance economic development.

### **Constitutional Lid on Local Government Spending**

The City of Overland Park opposes actions by the state to impose constitutional or statutory limits on the authority of local governments to establish appropriate levels of taxation.

### **Protect Legislative Fiscal Authority**

Artificial taxing and spending constraints, whether constitutionally or statutorily imposed, will not add accountability to representative democracy. The City of Overland Park supports

representative democracy and the authority of those representatives to set budgets, establish taxing levels, and determine spending limits.

### **Preserve Ability to Advocate and Educate**

The City of Overland Park opposes any restriction on the use of public monies to provide information and advocate on behalf of the City of Overland Park and its residents. Any reporting requirements should not increase the administrative burden on local governments.

### **Firearm Regulation**

The City of Overland Park supports the right for local units of government to make decisions at the local level regarding the carrying and sale of guns (open or concealed) in public buildings, public amenities and at public activities and events centered around children. The City also supports the ability of local governments to set policies regarding the carrying of weapons and firearms by their employees while they are engaged in the course of their employment. Absent any return to local control, the City supports concealed carry training to be required for any individual who desires to conceal a firearm on their person.

### **Local Elections**

The City of Overland Park opposes any further effort to move elections to the fall of even numbered years. Additionally, the City opposes any effort to make local elections partisan.

### **Sales Tax**

The City of Overland Park supports the current state law that exempts local government and public construction projects from sales tax. State imposed tax on current government purchases and projects will have only one effect: increase local property taxes. Purchases have to be made and construction must occur; imposition of a sales tax would increase the local tax burden to cover those added costs. Only the State Government would benefit from this sales tax revenue and our residents would pay the bill through higher property taxes.

Additionally, the City opposes a sales tax levy on professional services.

### **Promotion of Equality**

The City of Overland Park supports comprehensive anti-discrimination legislation that offers protections to every person in the State of Kansas. We oppose discrimination of all groups of people.

The City supports legislation that would allow cities to redact discriminatory language from recorded plats and covenants without eliminating the original documents. Such legislation would empower local governments to remove vestiges of discrimination from property records.

## **KPERS Funding**

The City of Overland Park supports achieving a fully funded public employee retirement system within a reasonable period of time. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire. Any new policy changes could have a negative impact on local government employee recruitment and retention, particularly in the competitive Johnson County area. Finally, the City opposes the use of any more pension fund bonds to close the unfunded liability gap in the system.

## **Open Records/Open Meetings**

All levels of government should be subject to the same open meeting and open records requirements. State laws governing open records should balance the public's right of access with the necessity of protecting the privacy of individual residents, the costs of producing requested records, and the ability of public agencies to conduct their essential business functions.

## **Asset Forfeiture**

The City of Overland Park supports the use of asset forfeiture as an important component in reducing financial gains from criminal acts while providing civil due process. All assets forfeited, or the proceeds of the sale of the same should remain with the local government that seizes the property.

## **Redevelopment and Reinvestment in Cities**

The City of Overland Park supports current state statutes that provide the potential use of economic development tools such as tax-increment financing projects, community improvement districts, and neighborhood revitalization programs to help redevelop declining and blighted areas in the community. Without the availability of these long-term financial tools certain neighborhoods and commercial centers may continue to decline, requiring additional services from the City, the County, local school districts, and the State.

Furthermore, the City supports legislation that streamlines and expedites the process for local governments to manage blight caused by abandoned or foreclosed properties.

## **Wireless Facilities**

The City of Overland Park supports the ability of local governments to make decisions about the location, placement, size, and appearance of poles, towers and other wireless facilities within the community and public rights-of-way. While working with the wireless industry to ensure high-quality wireless service, local governments should have the ability to require collocation, propagation maps and information on other available locations, in order to avoid the unnecessary proliferation of towers and to protect the public health, safety and welfare. Finally, subject to federal law, local governments should be able to establish preferences on the basis of zoning districts and type of property.

## **Franchise Authority**

The City of Overland Park opposes any legislation that would restrict or repeal the current franchise authority for cities.

## **Sustainability and Conservation**

The City of Overland Park supports legislation that encourages and funds local sustainability efforts including but not limited to energy conservation, water conservation, renewable energy, healthy soil, good air quality, green infrastructure, and clean and active transportation. As such, the City supports legislation that protects and restores natural areas for their value to air quality, water quality, carbon sequestration, climate resilience, and human health and well being. The City also supports the development of a state energy plan that encourages energy efficient technologies, the development, procurement, and use of low-emitting and renewable energy sources, and supports incentives for residential and commercial customers to invest in energy efficient programs.

## **Property Valuation**

The City of Overland Park supports a fair and consistent approach to the appraisal of property values and further supports proven techniques to value commercial properties at their highest and best use Property valuation should be based on fair-market value as currently defined in Kansas statute.

The City opposes legislation that would artificially limit or otherwise alter property appraisals to be based on hypothetical lease valuations rather than the current use. The City favors adding language to current state law to clearly indicate that fair market value does not include a hypothetical lease fee. The City also opposes caps in property valuations and limitations on valuation methods that shift the property tax burden, benefiting one category of property to the detriment of all others, as unconstitutional and inequitable.

## **Mental Health**

Mental health is a critical component of the public safety and health of the residents of Overland Park and the state of Kansas. Access to quality mental health services and an increasing need for these services is a primary concern of the City.

Given the increasingly complex and challenging needs of individuals and families within our communities as well as the prevalence of drugs, and other social problems, it is more important than ever that people have access to the alcohol and drug treatment services in coordination with mental health services embracing medication-assisted treatment (MAT) or medication-assisted recovery (MAR) as a pathway to recovery. Additionally, funding for prevention of substance use, misuse, and addiction has been disproportionate to prevention programs for these other chronic health conditions. The science for substance use prevention has clearly indicated its effectiveness and warrants a greater level of investment.

The City supports expanded state funding for these programs and facilities, and the ability to establish public/private partnerships to increase provision of an access to mental health services and facilities.

### **Competency Evaluations at the Municipal Level**

The City supports amending K.S.A. 22-3302 to allow municipal courts to order competency evaluations and refer those persons found mentally incompetent to the district court. Such a change would provide a pathway for those impacted by severe mental illness to receive assistance that is not authorized in the current municipal court system.

### **Emergency Management**

As evidenced by the most recent COVID-19 pandemic, the City supports additional resources for public health entities and recommends that any changes to the Kansas Emergency Management Act should consider the role of cities in responding to disasters or incidents.

### **Safe Use of Bicycles and Scooters on Public Streets**

The City of Overland Park supports legislation that provides local governments the ability to facilitate the safe use of bicycles and scooters on public streets. Legislation passed during the 2019 legislative session, provides that "traffic regulations applicable to bicycles shall apply to electric assisted scooters," the City believes that modifications to K.S.A. 8-1590(d) would improve safety for use of both bicycles and electric scooters in public streets and provide clarity for the purpose of both roadway planning and enforcement issues.

### **K-12 and Special Education**

The City of Overland Park supports a K-12 education funding plan which includes fully funding special education programs and recognizes the need for local flexibility. A quality public education system is essential to the quality of life. The public school systems in Overland Park are among the pillars on which the community's growth and success have been built.

School districts should be allowed to preserve their local control to make the best decisions for their students. Frequently, local control has translated into additional local option budget authority for school districts, which has given Overland Park residents the ability to support schools beyond the legislature's funding.

### **Medicaid Expansion**

As a major medical hub for the State of Kansas, the City supports a renewed bipartisan solution regarding the expansion of Medicaid to allow hospitals and emergency medical services (EMS) access to federal funding, helping cities maintain and provide critical services for residents and specifically addressing future funding so that if federal funding is discontinued there will be no increased burden to taxpayers.

### **Increasing the 911 Fee for Authorized Expenditures**

The City supports amending the Kansas 911 Act (K.S.A. 12-5362 et seq.) to provide for an increase of the 911 fee collected and distributed directly to public safety answering points for authorized 911 expenditures.

### **Local Ad Valorem Tax Reduction (LAVTR)**

The City supports the full funding of the Local Ad Valorem Tax Reduction (LAVTR) program, as required by K.S.A 79-2959.

### **Government Competition**

The City supports the right of local governments to provide amenities to residents at public facilities, and the continuation of existing tax exemptions for such amenities and facilities. The City opposes legislation that financially penalizes local governments for providing amenities to residents at public facilities.