



## **2018 State Legislative Program**

The *2018 State Legislative Program* is a policy document that expresses the position of the City of Manhattan for the 2018 Legislative Session. It is not intended to be either an exclusive or all-inclusive document, but rather captures the major policy positions of the City. The City of Manhattan endorses the legislative positions and policies of the 2018 Statement of Municipal Policy from the League of Kansas Municipalities to the extent where it doesn't conflict with items listed in this document (available online at <http://www.lkm.org/smp/>). We encourage area legislators and citizens to contact City officials regarding any issue that could potentially impact local units of government. City Commissioners and City Administration welcome questions and insights and are happy to offer their knowledge and experience on those matters affecting local government.

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# 2018 CITY OF MANHATTAN ACTION AGENDA SUMMARY

## TOP ACTION ITEMS

[Internet Sales Tax](#) - The City supports legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments.

[Property Tax Lid](#) - The City supports adding employee benefit funds as an exemption to the tax lid, and supports removing the special election process and replacing it with a protest petition.

[Community Mental Health Center Funding](#) - The City supports the continued restoration of grant funding that has been cut prior from Community Mental Health Centers such as Pawnee Mental Health, and also supports the State of Kansas providing a source of funding to help supplement local funding for the proposed Mental Health Stabilization Center in Manhattan.

[Comprehensive State Transportation Plan/KDOT](#) - The City supports the Legislature following through on the T-Works spending plan, implementation of an effective long-term multi-modal transportation program, and increasing the motor fuels tax to better fund KDOT and increase contributions to the Special City/County Highway Fund (SCCHF).

[Kansas State University – Higher Education Funding](#) - The City of Manhattan supports the Kansas Legislature fully funding the budget requests from the Kansas Board of Regents regarding Kansas State University.

[School Finance Formula](#) - The City of Manhattan supports the State adopting a school finance formula that meets the standards set forth by the Kansas Supreme Court and includes a military second count date.

## SECONDARY ACTION ITEMS

[State Shared Revenues](#) - The City supports the reactivation of previously eliminated state-shared revenues. The City strongly opposes budget-balancing measures that simply displace the problem by reducing or eliminating revenue distributions and reimbursements to local government.

[Kansas Public Employee Retirement System \(KPERS\)](#) - The City of Manhattan encourages the legislature to honor its full funding commitments to KPERS. The City requests that the legislature include local governments in discussions about changes to KPERS or the Kansas Police & Fire Retirement System (KP&F).

[KanCare Expansion](#) - The City supports the expansion of the State's Medicaid Program, KanCare.

[Weapons and Firearms in the Workplace](#) - The City supports the ability of local government to regulate the carry of firearms in areas of significant assembly.

[Abandoned and Blighted Housing](#) - The City of Manhattan supports legislation that streamlines and expedites the process to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures.

[Alcohol Liquor Taxes](#) - The City of Manhattan supports amending the Kansas liquor act to assure cities receive equitable liquor enforcement tax revenue in lieu of sales tax proceeds that would be lost from the sale of CMB. The City of Manhattan feels the liquor enforcement tax funds should not be subject to appropriation in the state budget process.

## 2018 TOP LEGISLATIVE ACTION PRIORITIES

### Internet Sales Tax

The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League of Kansas Municipalities estimates Kansas cities have missed out on over \$369 million in revenue over past 10 years. Collection of sales tax on remote sales would level the playing field for online and brick-and-mortar retailers. This is not a new tax, rather it is simply an issue with the collection of a tax that should already be occurring. The City encourages State Legislators to establish a program that would require internet sellers to take more efforts in securing the collection of due tax. Some legislation passed full chambers in 2017 and should be debated in 2018.

- 2017 was the all-time highest year for retail store closures. Brick and mortar stores in Kansas communities are feeling those impacts.
- Until action can be taken at the federal level, proactive legislation on this issue at the state level is vital in order to increase local and state revenues required by law.

#### ACTION ITEM:

- **The City supports legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments.**

#### PRIOR BILLS SUPPORTED:

- SB 111
  - Similar to a Colorado Law upheld in US 10<sup>th</sup> Circuit Court of Appeals and denied appeal by the Supreme Court. A notify & report model, requiring out-of-state companies to report untaxed sales to the Kansas Department of Revenue and to notify in-state customers that sales tax is owed to the state.
- HB 2235 & HB 2400
  - Two bills similar to a South Dakota law being appealed to the US Supreme Court, challenging 1992 U.S. Supreme Court ruling, *Quill v. North Dakota*, that held retailers don't have to collect sales taxes in states where they don't have a physical presence.

### Property Tax Lid

Local taxing and spending decisions for a community should be made by local officials who were elected to shoulder that responsibility. If repeal of the tax lid does not occur, additional exemptions and changes to make the law more feasible should be considered. A bill exempting employee benefits passed out of Committee in 2017 and should be fully debated in 2018. Furthermore, an amendment to utilize a protest petition process as opposed to a special election received hearings in 2017 and should be fully debated as well.

- Cities are often hit by health insurance increases that are outside of their control. Those marketplace increases should be exempt from the tax lid.

- The cost of a special election is significant, and would not coincide with the timing necessary to approve a budget and provide it to the State. A protest petition would be more effective.

**ACTION ITEMS:**

- **The City supports adding employee benefit funds as an exemption to the tax lid.**
- **The City supports removing the special election process and replacing it with a protest petition.**

**PRIOR BILLS SUPPORTED:**

- SB 167 – Full Repeal
- HB 2424 – Exemption of Employee Benefits. 2017 Committee Report recommended bill be passed as amended by Committee on Taxation.
- HB 2376 – Changing the election process to protest petition. Received House hearing in 2017.

**Community Mental Health Center Funding**

Community based mental health services must be restored and expanded across the State in order to improve a mental health system that is stretched beyond its ability to provide the right care at the right time, in the right place for Kansas citizens.

- The State has cut the Mental Health Reform Grant by \$20 million over last 10 years. The State took a positive step in 2017 by restoring \$7.5 million, but more is needed.
- In Kansas, untreated mental illness is associated with an estimated 128 suicides, 21,000 incarcerations and 29,000 unemployed adults, costing the private sector, including employers, nearly \$429 million per year.
- The City of Manhattan is interested in offering a community mental health stabilization center (CSU) that will offer short-term (24-48 hour) stabilization services for those citizens in need.
- Law Enforcement personnel will be able to place people arrested for nonviolent offenses, who are experiencing mental health crises, in the CSU rather than jail. This will also relieve some pressure off the failing state mental health hospital in Osawatomie.

**ACTION ITEMS:**

- **The City supports the continued restoration of grant funding that has been cut prior from Community Mental Health Centers such as Pawnee Mental Health Center here in Manhattan.**
- **The City supports the State of Kansas providing a source of funding to help supplement local funding for the proposed Mental Health Stabilization Center in Manhattan.**

**Comprehensive State Transportation Plan/KDOT**

Long-term multi-modal transportation program planning is vital to growth areas such as Manhattan. Regional approaches to transportation planning are key.

- T-WORKS has lost over \$1 billion since inception, with the State of Kansas planning more possible cuts in 2018. The current funding level is far from adequate to address ongoing statewide needs in the areas of preservation, maintenance, and safety.
- Over the past ten years the City has received on average \$1 million per year in Federal and State transportation grants funneled through KDOT for vital infrastructure projects. The City has many concerns with funds continually pulled from KDOT regarding available state fund grants, and worries that continued cuts could negatively affect the city's ability to get federal grants through the state as well.

- The Kansas Legislature should continue to look for ways to raise new revenues to address the state's remaining transportation needs. This could include increases to motor fuel taxes. Distributions from those motor fuel taxes to cities and counties should not be decreased from their current level.

**ACTION ITEMS:**

- **The City supports the Legislature following through on the T-Works spending plan passed in 2010 (\$4.6 billion) and supports beginning implementation of an effective long-term multi-modal transportation program aligned with the region's priorities.**
- **The City of Manhattan supports increasing the motor fuels tax to better fund KDOT and increase contributions to the Special City/County Highway Fund (SCCHF).**

**PRIOR BILLS SUPPORTED:**

- SB 224 –Raised motor fuels tax \$0.05. Received Senate hearing in 2017.
- HB 2382 –Raised motor fuels tax \$0.11. Received House hearing in 2017.

**Kansas State University - Higher Education Funding**

The City of Manhattan has a great partnership and town-gown relationship with Kansas State University (KSU). State budget cuts to higher education make it harder for Kansas State to grow and thrive as an economic hub for this region.

- KSU is the largest employer in the area and is a key driver for the economy in the City and also for the State of Kansas.
- KSU received nearly \$5 million in budget cuts in 2016 due to revenue shortfalls at the State Budget level and had to make another \$12 million in cuts due to enrollment declines.

**ACTION ITEM:**

- **The City of Manhattan supports the Kansas Legislature fully funding the budget requests from the Kansas Board of Regents regarding Kansas State University.**

**School Finance Formula**

The future economic success of the State and local Manhattan region depend upon a strong system of public schools to create the highly skilled workforce necessary to compete in a global economy. State Legislators are working on a new school finance formula during the 2018 session to adequately address the education funding needs of the State of Kansas.

- Military installations such as Fort Riley can be challenging to local school districts due to the large amount of fluctuations in enrollment and also the loss of property tax revenue due to federal property that is tax exempt. The State previously allowed for a military second count date to assist impacted districts. This policy was especially important in the military communities that see large fluctuations in attendance during the year. USD 383 experienced an average increase of over 131 additional students per year from 2006-2014 through the military second count legislation.

**ACTION ITEM:**

- **The City of Manhattan supports the State adopting a school finance formula that meets the standards set forth by the Kansas Supreme Court and includes a military second count date.**

## 2018 SECONDARY LEGISLATIVE ACTION PRIORITIES

### State Shared Revenues

The State has discontinued, reduced or threatened a number of shared revenue sources that have previously constituted significant contributions to local government, including the following: Local Ad Valorem Tax Reduction (LAVTR) program; City County Revenue Share (CCRS) distributions; and State Liquor Tax Distributions. The resulting effect of these reductions to local governments has become a greater burden on the State's taxpayers.

- In 2003, the State was experiencing financial difficulties and cut Local Ad Valorem Tax Reduction (LAVTR) and City County Revenue Share (CCRS) to local municipalities. The intention of the State legislature at that time was to reinstate those items when the economy turned around. Those revenues have not been returned to any municipalities as of yet. *The State Legislature is required by Kansas statutes to help relieve the burden on property taxpayers by funding LAVTR program.*
- In sum, the City of Manhattan estimates to have missed out on \$12,019,893 in revenue from those sources since 2003. The city was receiving in the range of \$500,000 per year from LAVTR and estimates nearly \$7,728,976 in lost revenue from that source. The CCRS revenue was in the \$300,000 per year range, and lost revenue is estimated at \$4,290,917 over that time period.
- The City is especially concerned about the direct impact to citizens if further reductions are made in State Liquor Tax distributions which fund numerous social service agencies, programs, and initiatives supported by the Special Parks and Recreation Fund and the Special Alcohol Programs Fund.

#### ACTION ITEMS:

- **The City supports the reactivation of previously eliminated state-shared revenues.**
- **The City strongly opposes budget-balancing measures that simply displace the problem by reducing or eliminating revenue distributions and reimbursements to local government.**

### Public Retirement Systems (KPERS)

The State of Kansas should fully fund its portion of the employer contributions at the Actuarial Required Contribution (ARC) levels at the required times. The KPERS system should accumulate sufficient assets during a members' working lifetime to pay all the promised benefits to that member when they retire.

- In 2015 the State of Kansas cut their employer contribution to KPERS and in 2016 the State of Kansas delayed their \$93 million payment to KPERS until 2018. Yearly commitments should be funded by the State and not delayed.
- Between 2003-2014 the State of Kansas only funded KPERS at an average funding ratio of 65.1%. That funding ration puts the State of Kansas in the bottom 25% of State Funded public retirement systems.
- Any changes to the current system should consider the need of local governments to predict and control employee benefit costs and to recruit and retain qualified employees. This includes accumulated leave and human resources policies to determine a retiree's benefits.

**ACTION ITEM:**

- **The City of Manhattan encourages the legislature to honor its full funding commitments to KPERS. The City requests that the legislature include local governments in discussions about changes to KPERS or the Kansas Police & Fire Retirement System (KP&F).**

**KanCare Expansion**

More than 150,000 Kansans fall into a health coverage gap. Those families are stuck with few options for affordable health coverage. Expanding KanCare is a fiscally responsible Kansas-based solution that will cover them and bring millions of federal tax dollars back home to Kansas, in turn, helping create jobs, protect rural hospitals, and improve the health of Kansans. Kansas has forfeited over \$2 billion federal dollars since 2014 by not expanding the State's Medicaid program.

- Nearly 3,000 people alone in Riley County would benefit from KanCare expansion that are currently not eligible.
- Recent KanCare cuts from the State are impacting local hospitals, such as Via Christi in Manhattan, to the tune of several hundred thousand dollars in less reimbursement for taking care of people in the community.

**ACTION ITEM:**

- **The City supports the expansion of the State's Medicaid Program, KanCare.**

**PRIOR BILLS SUPPORTED:**

- HB2044 - Passed Senate and House and was vetoed by the Governor in 2017
- HB2064

**Weapons and Firearms in the Workplace**

In 2017, an exemption provision of K.S.A. 75-7c20 expired, now allowing the concealed carry of firearms in public areas, buildings and facilities, unless adequate security measures are in place. Cities should be able to apply exemptions to public areas and buildings and continue to post signage for the prohibition of firearms inside those buildings.

- The City of Manhattan has experienced events at public parks and other open public areas where citizens have open-carried weapons and caused discomfort to other users in the area. Ultimately, many of those other users left the area due to the discomfort. This could happen at many different public areas such as parks, sports fields, arenas, playgrounds, and zoos.

**ACTION ITEMS:**

- **The City supports the ability of local government to regulate the carry of firearms in areas of significant assembly.**
- **The City supports ability of local governments to set policies regarding the carrying of firearms by municipal employees while they are engaged in their work.**

**PRIOR BILLS SUPPORTED:**

- Senate Substitute for HB 2278 – became law without Governor's signature in 2017; provides public employers with immunity from liability in the event any employee is involved in an accident who carries a weapon in compliance with state law while on duty.

### Abandoned and Blighted Housing

During the 2017 session, the Senate debated SB 31, legislation allowing cities to provide an effective and efficient method for dealing with the procedural challenges that are often faced when dealing with abandoned properties in the community. The health and welfare of the general public in Manhattan is important.

- Often times there are non-responsive owners or other interest holders, ownership is in question, or the city is not able to get an owner or interest holder to take responsibility for property maintenance on the structure. Cities should be able to address some of those issues in abandoned houses, reducing the time those structures might pose a health and safety danger to others. The bill allows cities more flexibility to better deal with those abandoned homes and prevents that situation from occurring.
- Such legislation could allow the City, or a non-profit organization, to rehabilitate properties for future use rather than properties ending up degrading further and ending up having to be demolished.

#### ACTION ITEM:

- **The City of Manhattan supports legislation that streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners.**

#### PRIOR BILLS SUPPORTED:

- SB 31 – was debated by the Senate but sent back to committee for additional review in 2017.

### Alcohol Liquor Taxes

In 2017, the Legislature amended the Kansas liquor control act, which will go into effect in April 2019, and allow grocery stores to sell full strength beer vs cereal malt beverage (CMB) only. This bill will likely phase out CMB sales in Kansas.

- The City receives local sales tax currently when CMB is sold in grocery stores.
- When grocery stores begin to sell full strength beer the City will lose the revenue we currently receive (via sales tax) from that CMB sale.
- Inversely, City Special Alcohol Funds received should go up based on the sale of full strength beer. Unfortunately, cities only receive a portion of those funds.

#### ACTION ITEMS:

- **The City of Manhattan supports the Legislature taking measures to ensure the revenue cities receive from the increase in Special Alcohol is equal to or greater than the loss those entities will see from loss in sales tax revenue from CMB sales. This increase could be via giving cities a larger percentage of the liquor enforcement tax or another means.**
- **The City of Manhattan feels the liquor enforcement tax funds should not be subject to appropriation in the state budget process and be at risk for being used in other places. Those funds should automatically transfer to municipalities.**

#### PRIOR BILLS SUPPORTED:

- N/A. House Substitute for SB 13 was bill passed in 2017. The City supports amending that bill.

## NORTH CAMPUS CORRIDOR

The City of Manhattan and Kansas State are jointly preparing for the growth associated with the 2025 Vision of K-State and the realization of the National Bio and Agro-Defense Facility (NBAF). The North Campus Corridor adjacent to and near NBAF will require vital infrastructure improvements in order to serve as a catalyst for private development. Such improvements will reconstruct and widen streets, develop safer intersections with pedestrian and vehicle traffic controls, improve and add sidewalks with pedestrian amenities, install signage and way finding, and insert entry features at pivotal intersections.

- It is anticipated that several agricultural and animal health research organizations will seek to locate in Manhattan over the next five to ten years, with a majority of private development expected to be in the form of R&D type facilities. The private sector companies will be seeking to develop relationships with various agriculture departments such as the K-State Food Science Institute, the Biosecurity Research Institute (BRI) and NBAF-related research.

### ACTION ITEMS

- **The City of Manhattan supports reauthorization of the STAR Bonds Program.**
- **The City of Manhattan supports the Legislature exploring amendments to existing Tax Increment Financing (TIF) laws that would 1) allow cities to capture all or a percentage of Kansas withholding taxes generated from new bioscience jobs within designated bioscience districts, and 2) allow the use of TIF revenues to be used toward the private development of R&D facilities within designated bioscience districts.**

## FORT RILEY

Fort Riley is a vital asset to the entire Flint Hills region. Defense spending makes up over 1/3 of the region's economy and Fort Riley provides an economic impact to the state of Kansas of nearly \$1.8 billion. Instability in defense spending at the federal level puts Fort Riley in danger.

- Federal government reductions in defense spending between 2014-2019 are estimated to show a loss of nearly \$580 million to the gross regional product and approximately 4,200 total jobs lost.
- Currently, Fort Riley is in the process of advocating for another Brigade to locate there. This could mean up to 4,000 troops and 15-16,000 people overall in growth for the region when you count families. The City supports the Fort's efforts in trying to advocate for another brigade.
- The City and the Fort would like to further pursue partnerships that could benefit both parties, but are currently limited by legislation mainly at the federal level.
- Ongoing collaboration between the State of Kansas, the City and Fort Riley will be key to implement recommendations from a recent economic analysis study done for the region. Additional programs should be developed together that will help identify necessary resources to propel the Flint Hills region and the State into a 21<sup>st</sup> century economy.

### ACTION ITEM:

- **The City of Manhattan greatly appreciates the support of our legislative delegation over the past years in addressing identified needs for Fort Riley. The City supports continued funding and operations for the Governor's Military Council; further development of partnerships with the Fort, regional entities and the State of Kansas.**

## 2018 STANDING LEGISLATIVE ITEMS

### ECONOMIC DEVELOPMENT

The City supports continued funding for the Kansas Department of Commerce and other State economic development programs that would help leverage local investments in attracting and keeping high-skill, high-wage jobs.

### FINANCE

#### Accumulated Interest on Delinquent Special Assessment Taxes

The City of Manhattan requests, and supports, amending K.S.A. 79-2004 to provide that delinquent special assessment taxes are differentiated from general property taxes and the associated interest from those delinquent special assessment taxes is distributed to the entity which levied those taxes.

#### Budget Timing

The City of Manhattan supports legislation that would extend the statutory timetable for municipal budget preparation, publication, hearing, adoption, and certification by at least 30 days to allow for more accurate assessed valuation information and sales tax receipts.

#### “Dark Store” Property Valuation

Big box retailers and other national chains are using a “Dark Store” tax valuation strategy in order to lower how much they pay in property taxes. The City opposes “Dark Store” techniques in the valuation and assessment of all properties, including big-box stores. The City supports properties being valued at their highest and best use.

#### Financing Tools

The City of Manhattan opposes any changes in state law that would restrict the flexibility of cities to use financing tools including TIF, CIDs, STAR Bonds, and TDDs to promote economic development in their communities.

#### State Budget Concerns/Tax Policy

The City of Manhattan supports the Kansas Legislature to find ways to balance the budget without shifting the burden to local government entities. Local governments should also be included in any discussions regarding restructuring of the State tax systems to ensure solutions are reached that fully assess the resulting financial burden on local taxpayers.

#### Taxes Paid Under Protest

Due to the effect that taxes paid under protest can have on the City, the state and the county should be required to notify the City when taxes, including compensating use and ad valorem taxes, are paid under protest, so that we have accurate data when making budgetary decisions.

#### Unfunded Mandates

State and federally mandated functions, without the financial resources to accomplish their legislative intent, are contrary to the spirit of constitutional home rule and are not conducive to cooperative

intergovernmental relationships. The City opposes unfunded mandates and proposes any legislation or function of sufficient importance mandated to local governments by the State or Federal branches of government be fully funded by the State and/or Federal government on a continuing basis.

## **GOVERNANCE**

### **Airline Revenue Guarantee**

Adequate and affordable air service is a key factor in improving the economy and tourism potential of regions and cities throughout Kansas. Support from the State of Kansas, in partnership with regional communities, facilitated the recruitment of non-stop jet service from Manhattan Regional Airport via American Airlines. The City of Manhattan thanks the Legislature and Governor for reinvesting state funds to recruit additional commercial air service, or expanding existing service, at the Manhattan Regional Airport through airline revenue guarantees or similar arrangements, rather than direct subsidies, and asks for fairness regarding the distribution of state funds for either direct subsidies or other similar programs across the state and encourages state officials to support Kansas transportation systems by flying MHK versus utilizing out of state airports.

### **Annexation**

The City of Manhattan opposes any change to legislation that limits the authority of the city to grow through annexation.

### **Consolidation of Services**

The City of Manhattan supports processes for local consolidation of services without undue statutory barriers and specifically supports the consolidated Riley County Police Department structure, and the legislation (K.S.A. 1944-27) which allowed such consolidation to occur.

### **Home Rule and Local Control**

The City opposes any change in state law which would limit the Home Rule authority of cities.

### **Local Elections**

The City of Manhattan supports local government elections remaining non-partisan in nature.

### **Political Signs in Public Right-of-Way**

The State of Kansas passed legislation in 2015 that does not allow a city or county to regulate the placement of political signs on private property or unpaved right-of-way during the 45-day period prior to any election, or 2-day period following the election. The Supreme Court has ruled content-based sign regulations are unconstitutional. The City supports the authority of local government to regulate signs in compliance with federal law.

### **Public Property and Rights-of-Way**

The City of Manhattan supports legislation that enables cities to enforce maintenance and repair standards on franchisees that disturb the public right-of-way and/or damage the existing public infrastructure, and also allows the City to negotiate, within reason, location of facilities and how the final product may look.

### Stormwater Grant and Loan Program

The City supports the creation of a Stormwater Grant and Loan Program to assist local communities in the continued implementation of the best practices for stormwater management.

### Water & Wastewater Quality

The City supports funding for state utility loan programs, such as the Kansas Public Water Supply Loan Fund, that help local utilities meet infrastructure needs. In addition, the City encourages the state and federal governments to adopt broader standards and provide assistance to private property owners to better control non-point source pollutants to our rivers and streams rather than burdening point sources such as wastewater treatment plants, which comprise only a small fraction of the input stream.

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