Minnesota Inter-County Association MICA

2017 Legislative Priorities

Minnesota Inter-County Association
M I C A

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MICA
161 St. Anthony Ave.
Suite 850
St. Paul, MN 55103

SEPTEMBER 2016

Transportation:

Strengthen the State's Financial Commitment to Maintain and Improve Critical Transportation Infrastructure

Health and Human Services:

Meet Commitments to Modernize Medical Assistance Enrollment System. Increase Funding for Mental Health Services and Housing.

Tax and Fiscal Policy:

Enhance the State-County Fiscal Relationship by Increasing Funding for County Program Aid and Eliminating Costly, Archaic Notifications.

Criminal Justice Funding:

Support the Cost Effective Investment in Community-Based Corrections and Public Safety

Transportation

Building and maintaining a safe, efficient and effective transportation system is one of the most basic and vital services provided by all levels of government. Counties are a critical element of the state's transportation system. Over 45,000 miles of Minnesota's 143,000 miles of roads and highways are under county jurisdiction. Counties and other local units of government oversee 14,700 bridges - 75% of all bridges in the state. Counties also provide bus services and are heavily involved in the design, construction and operation of light rail and commuter rail systems. To its credit, the 2008 Legislature enacted a comprehensive transportation funding bill that provided new, dedicated revenues for bridges, roads and transit - at both the state and local levels of government. However, as MnDOT's projections make clear, much of that new funding was exhausted by 2016. What remains will only be available for maintenance of existing roads. That means new transportation projects in both the metropolitan area and greater Minnesota will continue to be delayed.

In light of the critical need for investments in the state's transportation infrastructure to maintain Minnesota's economic vitality, MICA will be pursuing four transportation policy priorities for the 2017 legislative session.

MICA 2017 Transportation Priorities

- **Enact a Comprehensive Transportation Funding Bill with the Equivalent of At Least a $.10 Gas Tax Increase**
- **Continue the Current 50/50 Distribution of the Leased Motor Vehicle Sales Tax between Greater Minnesota Transit and the Ring Counties**
- **Retain the ½% Local Option Sales Tax for All Transportation Purposes for the Currently Authorized 82 Counties and Expand It to the Five Remaining Counties**
- **Immediately Fund the Local Road Wetland Replacement Program**

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1. Enact a Comprehensive Transportation Funding Bill with the Equivalent of At Least a $.10 Gas Tax Increase

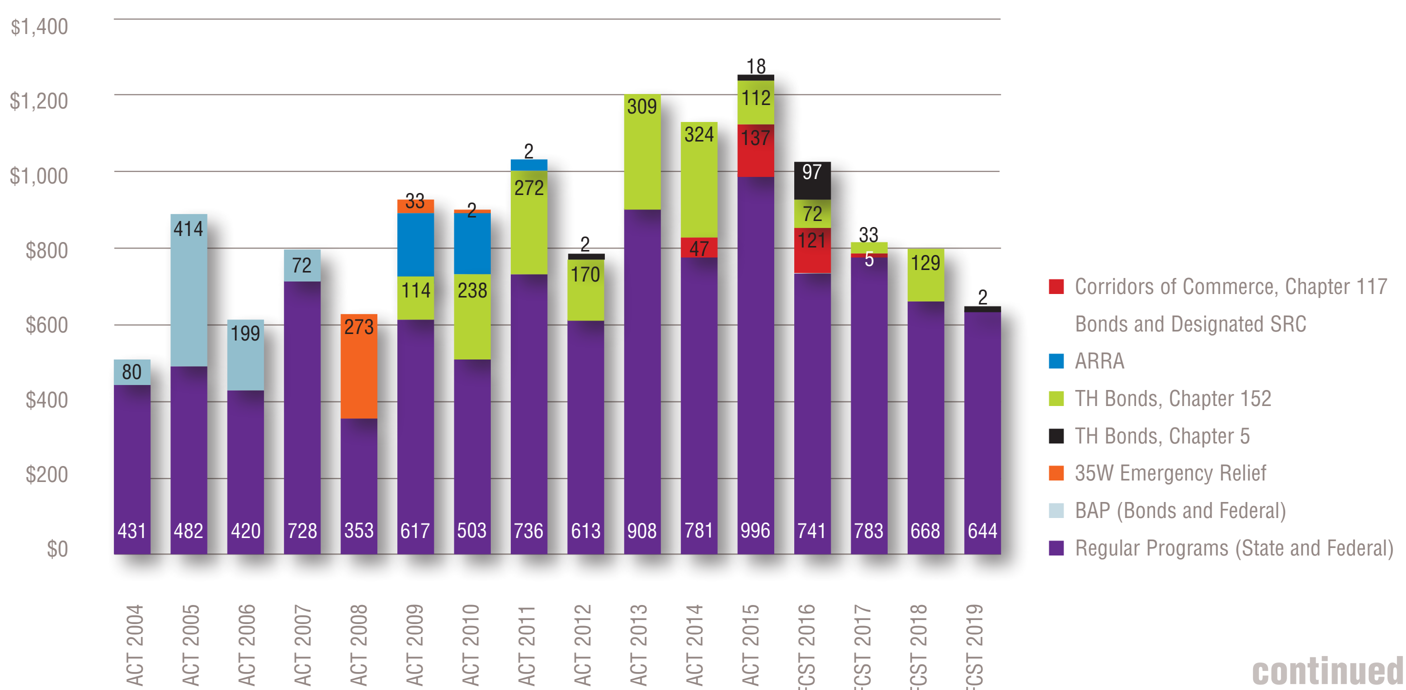
Minnesota's transportation system is a critical element of the state's economic vitality. It gets people to and from work and school and gets goods and services to markets. With today's just-in-time inventory management and Minnesota's expanding role in the global economy, speedy delivery is critical to the state's competitiveness. Unfortunately, much of the state's transportation infrastructure is not up to the task. The time that Twin Cities' commuters and shippers spend trapped in traffic is growing. By 2028, it is projected that Twin Cities drivers will spend nearly a third of their drive time in congested conditions. At the same time, the financial resources available to expand the capacity of the state transportation system are contracting. Current estimates are that over the next 20 years, the state highway system will be $18 billion short of projected needs and counties will be another $18 billion short of their highway systems' projected needs. Those projected needs do not reflect a "Cadillac system. It anticipates as much as 10% of pavement will be in poor condition on portions of the system. Concurrently, the Twin Cities will continue to fall further behind other metropolitan areas in offering expanded transit options and capacity.

It is critical that the funding needs of both transit and roads and bridges get addressed in 2017. At a minimum, a 10¢ increase in the gas tax or an equivalent revenue source should be enacted as well as increasing sales tax authority for both transit and roads and bridges in the Twin City metropolitan area. Increases in either motor vehicle registration fees or the sales tax on motor vehicles, particularly on electric and plug-in hybrids that pay little or no gas taxes, deserve consideration as well.

A failure to invest in needed transportation infrastructure will handicap Minnesota's competitiveness in the global economy. Those investments must be made now to prevent Minnesota's people and businesses from falling behind their competitors in other states and nations.

Construction Outlook Based on 16-19 Final STIP* Funding by Source (in millions of dollars)

* Adjusted to show SRC budget



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2. Continue the Current 50/50 Distribution of the Leased Motor Vehicle Sales Tax between Greater Minnesota Transit and the Ring Counties

In 2008 when the Legislature passed its last major transportation funding package, a compromise was struck on the Twin City metropolitan sales tax. The tax was originally set at ½% with 50% of the proceeds for transit, 25% for trunk highways and other roads of regional significance within the metropolitan area and the remaining 25% for either of those purposes as the bill came out of committee in both houses. On the House floor, it was amended to ¼%, all for transit.

This left a hole in the available highway funding. To fill the hole, the proceeds from the sales tax on leased motor vehicles in excess of $32 million annually was split 50/50 between the ring metropolitan counties and greater Minnesota transit. Hennepin and Ramsey counties did not participate in the distribution since the lion's share of the new transit systems that would be funded by the new metro sales tax would be located in the two counties.

Current law's existing 50/50 split should be retained. The lion's share of spending for new rail transit systems funded by the metropolitan sales tax will continue to be within Hennepin and Ramsey County. On the other hand, transit expansion in the ring counties will continue to rely on buses that run on roads that will need to be funded with the proceeds from the sales tax on leased motor vehicles.

3. Retain the ½% Local Option Sales Tax for All Transportation Purposes for the Currently Authorized 82 Counties and Expand It to the Five Remaining Counties.

In 2013, the 82 counties not participating in the Counties Transit Improvement Board (CTIB) received the authority to levy up to a ½% sales tax for transportation projects and improvements by board action. Nineteen counties have exercised that authority to date. Other counties are considering the option.

Only the five counties currently participating in CTIB – Anoka, Dakota, Hennepin, Ramsey and Washington – do not enjoy this authority. HF4 as amended and passed by the Senate in 2015 would have given authority for all metropolitan counties except Hennepin County to spend up to 1/8% of the proposed 3/4% seven-county metro sales tax for any transportation purpose. But this would be only 25% of the authority that the other counties enjoy with the further restriction that any highway project had to have a nexus to transit or transit-oriented development. This restriction is not imposed on any other county levying the up to ½% sales tax for transportation projects.

Transit alone will not meet the transportation needs of the Twin City metropolitan area. Expanded roads and bridges are needed as well. New roads and bridges will in part serve the buses that will be the sole transit mode in four of the five ring counties for the foreseeable future. With almost the total absence of any state highway expansions in the ring counties under current projections, the metropolitan counties need access to the same financial resources that all other Minnesota counties have to meet their businesses' and residents' transportation needs.

4. Immediately Fund the Local Road Wetland Replacement Program

There is urgent need to fund the Board of Water and Soil Resources (BWSR) 2016 request for $14.64 million for wetland mitigation relating to local road projects. Without immediate funding, local road projects will be delayed, possibly in some instances cancelled altogether. In the meantime, improvements necessary to address safety and capacity issues would go unmet

In 1996, the Legislature established the Local Road Wetland Replacement Program. Under this program, local road authorities are required to report wetlands lost due to local road improvements and reconstruction. (The wetland impacts of new local roads are not covered by the program and have to be funded locally.) The wetlands are replaced by the state through BWSR. BWSR has been borrowing credits from MnDOT's wetlands bank to meet its statutory obligation to mitigate local road project's wetlands impacts. The "borrowed" MnDOT wetland credits must be repaid at the same time wetland credits are provided for new local road improvement and reconstruction projects. Without a continued state commitment to this funding, local governments face paying for this work out of their transportation budgets which will delay completion of local government road projects; increase local property taxes; negate an agreement with the U.S. Army Corps of Engineers that allow this program to meet federal regulatory requirements; and result in another unfunded state mandate.

Health and Human Services

Minnesota counties partner with the state and federal government to provide critical health and human services to children, the elderly, the disabled and vulnerable adults. Minnesota's heavy reliance on local financing and delivery of these services is relatively unique. Minnesota is one of only nine states with a county-administered human services system.

MICA will focus on the following three health and human services priorities for the 2017 legislative session:

MICA 2017 Health and Human Services Priorities

- **Increase Mental Health Funding and Infrastructure to Serve the Mentally Ill**
- **Address Inadequacies of MNsure/Medical Assistance's Minnesota Eligibility Technology System**
- **Increase Funding for Family Home Visiting**

1. Increase Mental Health Funding and Infrastructure to Serve the Mentally Ill

The funding and infrastructure to serve Minnesota's mentally ill is sadly lacking and getting worse. The absence of adequate resources is particularly acute for those suffering a mental health crisis. In just a 45 day period, the Minnesota Hospital Association documented the following bed shortages at state institutions.

Lack of Crisis Beds – March 15 to April 30, 2016	Number of bed days
State psychiatric hospital bed unavailable at Anoka Metro Regional Treatment Center (AMRTC)	445
State psychiatric hospital bed unavailable at St. Peter Regional Treatment Center	60
State psychiatric hospital bed unavailable at a (CBHH) Community Behavioral Health Hospital	836
Child and Adolescent Behavioral Health Services (CABHS) Willmar bed not available	37
Child/Adolescent Residential Treatment Center bed not available	216

The Legislature's response to the absence of adequate resources at the state level has been to shift the costs of mental health residential services to counties. Compounding the cost shift, the Department of Human Services increased the rate for community behavioral health hospitals at the same time to $1,866 per day, a ***54% increase.*** Counties have no viable alternatives for the placement of the affected individuals and the only options are taking up psychiatric beds

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in local hospitals long after the patient had been stabilized or worse, the patient languishes in county jails. The state must either provide additional beds at state institutions or financially incent the creation of additional beds at facilities operated by the for-profit or non-profit sectors. In addition to minimize the utilization of expensive inpatient treatment, additional resources must be provided for community services for the mentally ill.

2. Address Inadequacies of MNsure/Medical Assistance's Minnesota Eligibility Technology System

Past administrations and legislatures have taken advantage of the latitude afforded under the federal Affordable Care Act to expand eligibility for Medical Assistance (MA). An estimated 250,000 additional clients have been added to caseloads as a result of these actions. Counties have borne the burden of processing this new caseload.

With the expanded caseload, counties added financial workers to meet the new demand. The Department of Human Services promised that a replacement for the legacy MAXIS computer system, historically used to manage eligibility determinations and enrollment, would ultimately reduce staffing needs. That new system, the Minnesota Eligibility Technology System or METS, has never fulfilled that promise. Manual work-arounds that literally require hours of financial workers' time just to reestablish eligibility for a client or family member who has undergone a life-circumstance-change are routine.

Compounding the additional burden that has been placed on counties by the concurrent increase in MA caseload and the gross inadequacies of METS is 2015 legislation that required periodic data matching to identify recipients who do not meet eligibility criteria for MA. The data matching must occur at least once during a recipient's 12-month eligibility period. The state is estimated to save $25.8 million in FY16-17 and $138.3 million in FY18-19 from data matching while counties will receive grants of $1.3 million for FY16-17 and $4.4 million for FY18-19 for their additional workload. ***The state savings exceed the inadequate financial assistance provided to counties for this new duty by 31 times!***

3. Increase Funding for Family Home Visiting

Home visiting for at-risk families is a proven means of investing in the health and well-being of families, while avoiding high-cost, remedial programming required when children are at risk for poor birth outcomes, neglect or abuse. Families who have voluntarily engaged in quality home visiting programs, which include the involvement of public health nurses and the promotion of mental health through social and emotional screening, have shown:

- healthier pregnancies and infant brain development outcomes;
- lower incidence of child abuse or neglect;
- improved school readiness;
- higher employment rates;
- lower public assistance utilization;
- lower need for special education;
- reduced out-of-home placements; and
- reduced interactions with the corrections system.

Of particular concern is infant mortality within the African American and American Indian community. While recent dedicated funding for Nurse Family Partnership (NFP) home visiting will reach some low-income, first-time parents, many parents who have more than one child could benefit from parenting support from other home visiting programs, as well.

Tax and Fiscal Policy

Minnesota counties and the state are partners in the delivery of critical government services. The structure of this relationship is extensive and complicated. Prior to 2014, counties suffered repeated reductions in state aids. While that situation abated, the state has continued its practice of shifting the costs of human services to counties, cost over which counties have little or no control. The state cannot continue to have the luxury of dictating the types and level of services that must be delivered without paying for their consequent costs.

MICA has two tax and fiscal policy priorities.

MICA 2017 Tax and Fiscal Policy Priorities

- **Permanently Increase Funding for County Program Aid to Reduce or Eliminate Aid Reductions for Affected Counties**
- **Modernize the Truth in Taxation Notification Process**

1. Permanently Increase Funding for County Program Aid to Reduce or Eliminate Aid Reductions for Affected Counties

County program aid (CPA) is the county version of the cities' local government aid (LGA) program. City LGA is funded at $519.4 million in 2016 and thereafter while county CPA is funded at $208.6 million for 2016 through 2024 despite counties' property tax levy being 1.4 times greater than the cities' and the county's levy frequently being the largest portion of property owners' tax bills. In addition, counties are:

- required to act on the state's behalf to administer health and human services programs (2014 cost of $1.89 billion),
- supervise the lion's share of the state's felons – 10,250 are in state prisons while 105,000 are in county jails or in the community under mostly county supervision (2014 cost of $1.08 billion),
- play a major role in solid waste management, as well as feedlot regulation in many counties
- to administer the property tax system and collect property taxes on behalf of the state and all local governments.

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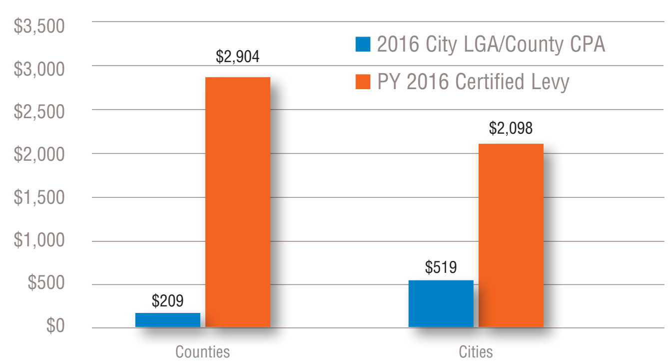
All of these except the last one are state government functions in most other states. Thus, the counties' role in performing these functions saves the state substantial monies.

Forty nine counties received a total of $4.8 million in CPA cuts in 2015. Before a one-time funding increase, 11 counties were facing $700,000 in cuts in 2014. A CPA formula change as recommended by the Association of Minnesota Counties CPA Working Group and a $20 million funding increase along with indexing future CPA funding to inflation and population growth could help ameliorate those cuts. It would also help counties with a small portion of the costs they incur on the state's behalf, bring stability to the formula, and reduce upward pressure on county levies.

2016 Certified County and City Aid vs. 2016 Levies (in millions)



2. Modernize the Truth in Taxation Notification Process

Preparation and mailing of truth in taxation notices or preliminary tax statements cost local governments an estimated $1.9 million in 2007. With postage rate increases since that time, it is estimated that cost has risen to $2.25 million annually.

When last surveyed in 2007, over 81% of the truth in taxation hearings had turnout of 0 to 5 citizens. Since that time, if local government officials' anecdotal observations of in-person citizen participation at meetings are a gauge, participation has fallen still further. Many officials are saying that with the exploding opportunities to engage with elected and other governmental officials electronically that citizens no longer feel the need or have the motivation to attend truth in taxation meetings or other local government meetings in-person. With ready access to the information they historically could only get by in-person attendance to meetings, citizens are now demanding that the information they need be available electronically.

This rapid change in the manner of citizen engagement should be accommodated by allowing counties to move the truth in taxation notices to their websites. Parcel-specific tax information is already available on many county websites along with multi-year historical data so also moving notice of the dates of the truth in taxation hearings to the county websites would provide the information in the readily accessible means that many citizens demand and expect. For those desiring continuation of mailed truth in taxation notices, the preceding year's regular tax statement can give the taxpayers notice that he or she can elect to continue to receive a mailed truth in taxation notice if they so desire. For new owners, the first year's mailed truth in taxation notice and regular tax statement could provide similar notice that the owner can continue to be mailed the truth in taxation notice if they so elect. The savings to local governments would be welcome while taxpayer would have ready access to their truth in taxation notice on or before the current November 24 deadline for receipt of the notice. Optionally, taxpayers could request e-mail notification of when the notices are available with a link to the websites where the notices can be found.

Criminal Justice

Minnesota counties play a critical role in protecting public safety and ensuring the effective operation of Minnesota's criminal justice system. Counties, along with cities, are responsible for the apprehension of criminals and their prosecution. Counties are also responsible for the incarceration of all misdemeanants and a significant number of felons and the supervision of those on probation. At nearly $1.1 billion per year, public safety is a substantial cost for counties. County property taxpayers pay for almost all county public safety costs, including those for state-mandated programs.

MICA has adopted three priorities for the 2017 legislative session addressing critical criminal justice funding issues.

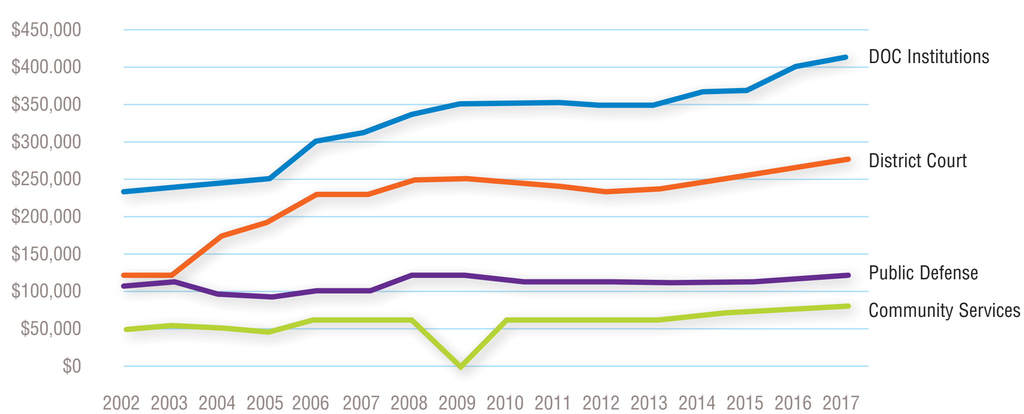
MICA 2015 Health and Human Services Priorities

- **Increase Corrections Funding**
- **Provide Courthouse Security Funding**
- **Increase Drivers License Agent Fee for Additional Issuance Costs for REAL-ID-Compliant Drivers Licenses**

1. Increase Corrections Funding

Minnesota is recognized as having the most cost-effective corrections system in the nation, yet it has one of the lowest crime rates. Minnesota's past success is the result of a focus on community policing and community corrections. Minnesota counties play a central role in protecting public safety and ensuring the effective operation of Minnesota's community-based criminal justice system.

Budget Appropriations Comparisons State Criminal Justice Accounts (in $000's)



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Community supervision of offenders on probation is one of the most important roles counties play. Minnesota has more than 105,000 criminals under some sort of community supervision while there are only about 10,250 in our state prisons. By comparison, our neighbor Wisconsin has a system that does not rely on its local communities resulting in three times as many individuals in their state prisons. If Minnesota were to incarcerate at the same level as Wisconsin, we would need to operate 24 more prisons the size of the Stillwater Prison and increase the state budget by $420 million annually without taking into account the cost of prison construction.

Unfortunately, this successful partnership is in peril. Over the past decade, the state's financial commitment to this partnership has waned with county property taxpayers picking up an ever-increasing portion of the tab. Minnesota law states that counties under the County Probation Officers (CPO) system should receive a 50% cost reimbursement from the state. Presently the state's share is at a record low 29.2%. Counties under the Community Corrections Act (CCA) have also seen their share of total costs skyrocket. Over the last 16 years state funding for state trial courts had a 113.9% increase, state (DOC) prisons had a 73.6% increase and public defenders had a 63.0% increase. Unfortunately, funding for county corrections went up only 11.7% for that same 16 year period.

2. Provide Courthouse Security Funding

Maintaining safe and secure court facilities is a key criminal justice concern. Unfortunately, courthouses have been the scene of shootings and other violence in recent years. Toward the end of improving courthouse security, the judiciary led an effort in 2016 to bring state resources to bear on this area so that the entire financial burden does not fall on counties. While the 2016 Legislature acknowledged the need for increased security, it only appropriated $1 million for this purpose. The judiciary had requested $20 million.

One million dollars will only provide the equivalent of less than $11,500 for each of the 87 counties, the rough equivalent of two, bargain-basement metal detectors. It does not begin to address the need for remodeling necessary to restrict public access points so effective and efficient screening can occur, individual courtroom camera monitors and panic buttons for judges should courtroom violence occur and communication enhancements to get deputies quickly to the scene of any disturbance. Ongoing staffing costs would be above and beyond any one-time monies appropriated.

3. Increase Driver's License Agent Fee for Additional Issuance Costs for REAL-ID-Compliant Driver's Licenses

Minnesota must begin issuing a new type of driver's license by 2018 in order for its citizens to board domestic airline flights or visit certain federal facilities without providing a passport. This change is required by the federal REAL ID law that was enacted to prevent individuals from using false identification that may lead to acts of terrorism. In order to meet the requirements of the federal law, new protocols will have to be implemented that include new training, yearly background checks for driver's license agents and more extensive identification verification. The later will include processing and verifying:

- Identification documents including full legal name and birth date
- documentation of birth date
- documentation of legal status and Social Security number
- documentation showing name and principal residence address

Digital images of all four documents must be made and transmitted to the Department of Public Safety (DPS).

The DPS is anticipating increasing its staffing by 17% to meet the additional workload. Local driver's license agents, many of whom work at county service centers and county auditors offices, will also have to increase their staffing to meet the demands of processing REAL-ID-compliant driver's license applications. To offset these additional costs, the current $8 driver's license agent fee must be increased. An increase of $15 would be consistent with the additional amount that DPS charges for the currently optional Enhanced Driver's License that is REAL ID compliant. Only the 14 Driver's License Exam Stations staffed by DPS driver's license agents issue Enhanced Driver's License currently. Only 6 of those Driver's License Exam stations are located in greater Minnesota.

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2016 Profile: MICA Member Counties

COUNTY	2015 DEMOGRAPHER'S POP. EST.	POP. GROWTH 2000 - 2015	2016 TAXABLE NET TAX CAPACITY* ($MIL.)	2016 TAX LEVY ($MIL.)	LANE MILES OF CSAH ROADS
BENTON	39,739	16.11%	28.3	19.0	456
BLUE EARTH	66,179	18.30%	79.6	30.4	871
CARVER	98,798	40.73%	118.6	50.2	472
CROW WING	63,481	15.21%	102.2	34.4	758
DAKOTA	414,490	16.46%	404.9	130.2	905
OLMSTED	151,388	21.81%	159.9	89.7	685
OTTER TAIL	57,679	0.91%	86.5	36.7	1,853
RICE	65,420	15.45%	54.5	22.8	567
ST. LOUIS	200,381	-0.07%	171.9	116.6	2,789
SCOTT	140,898	57.43%	152.7	60.9	579
SHERBURNE	91,895	42.66%	85.0	42.9	491
STEARNS	154,446	15.98%	138.3	71.5	1,331
WASHINGTON	251,015	24.80%	279.1	93.9	476
WINONA	51,128	2.29%	43.5	16.5	631
TOTAL	1,846,937	19.30%	$ 1,905.0	$ 815.7	12,864

*Does not include value contributed to fiscal disparities pools.