

2020



LEGISLATIVE PLATFORM

Sherburne County Board of Commissioners

January 7th, 2020

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SHERBURNE COUNTY

Top 2020 Legislative Priorities

- *Secure \$24.76 Million in State Bonding for Becker Business Park Infrastructure*
- *Secure \$2 Million in State Bonding to Initiate TH 169 & CSAH 4 Interchange Project (Zimmerman)*
- *Seek Legislation for Supervisory Overrides for Child Protection 24-hour Response*

AFFILIATE ORGANIZATIONS

Association of MN Counties - Unless inconsistent with the legislative priorities listed herein or ratified by the County Board of Commissioners, Sherburne County supports the Association of Minnesota Counties' (AMC) 2020 Legislative Priorities and Legislative Platform.

A copy of these Priorities and Platform can be found at the following:

<https://www.mncounties.org/legislative/index.php>

Minnesota Inter County Association - Unless inconsistent with the legislative priorities listed herein or ratified by the County Board of Commissioners, Sherburne County supports the 2020 Legislative Priorities and Legislative Platform established by the Minnesota Inter County Association.

A copy of these Priorities and Platform can be found at the following:

<https://mica.org>

TRANSPORTATION/PUBLIC WORKS

Transportation Funding

Minnesota's transportation system is a critical element of the state's economic vitality. Building and maintaining a safe, efficient and effective system is one of the most basic and vital services provided by all levels of government. Funding to maintain, let alone expand, the capacity of the state's transportation system remains lacking.

Requested Legislative Positions:

Sherburne County urges the legislature to pass a comprehensive transportation funding bill that includes the following provisions:

1. Provide funding for engineering, environmental project development and construction of an interchange at TH 169 and CSAH 4 in Zimmerman.
2. Provide trunk highway bonding for the Corridors of Commerce program to fund projects like TH 10 through Elk River and the improved connectivity between I-94 and TH 10 near Big Lake and Becker.
3. Increase funding level for the MN Highway Freight Program to assist with building a comprehensive freight system.
4. Increase funding level for the MN Highway Safety Improvement Program (HSIP) to reduce fatalities and continue our trend Toward Zero Deaths on Minnesota Roadways.
5. Support AMC's initiative to increase transportation funding available through a comprehensive, balanced, sustainable, and dedicated solution.

Background:

Sherburne County has three major transportation funding priorities, primarily involving the undeveloped state Trunk Highway system:

TRANSPORTATION/PUBLIC WORKS (Cont.)

A. Engineering & Environmental Funding for TH 169 & CSAH

With the removal of all stoplights south of Zimmerman in 2023, this intersection will see tremendous traffic pressure. The result of being the only remaining signal on this 75-mile stretch of TH 169 between I-94 and Mille Lacs will be major congestion, freight delays, and safety issues.

Currently ranked the 2nd worst in safety for high speed/high volume roads within Central Minnesota (District 3), this intersection is also a major freight and recreational corridor and serves a vital local function for the City of Zimmerman, Livonia Township and the County.

B. Improve Connectivity Between TH 10 and I-94

Regional and local connectivity between Interstate 94 and Trunk Highway 10 has become a vital local and regional transportation priority, supporting the region's economic and social well-being.

Equally important are improvements to Mobility and Safety along all of TH 10 through Sherburne County, including appropriate expansion of the Northstar Commuter Rail.

Unfortunately, transportation pressure has grown sharply recently and anticipated commercial and industrial growth will continue to cause additional strain on the already congested area. As an example, TH 25 already carries up to 35,000 vehicles per day and TH 24 carries more than 16,000 vehicles.

These are heavily used routes for freight vehicles and by recreational traffic during the warm weather cabin months. The area is expected to add 75,000 people by 2040, as both population and employment totals continue to significantly increase.

TRANSPORTATION/PUBLIC WORKS (Cont.)

C. Increase Funding for Rural Highway Safety

Two-thirds of the vehicular fatalities within Minnesota occur on 2 lane, undivided roads that do not have interstate-type safety features. In 2018, 227 fatal crashes (65%) occurred on 2-lane undivided roads.

Sherburne County experiences even higher levels, given our rural nature yet metropolitan-type traffic volumes. In 2015 at 11 fatalities, Sherburne County ranked 9th highest, out of 87 counties, in number of people killed.

County Contact: Andrew J. Witter, P.E., County Engineer
(763) 765-3302

ECONOMIC DEVELOPMENT

Rural Area Broadband Fiber Access

Requested Position:

Sherburne County urges the legislature to pass a comprehensive broadband infrastructure funding bill that includes the following:

1. Increasing the funding level for rural fiber broadband programs, including public agencies that choose to develop the physical infrastructure with the interest of a public-private partnership.
2. Supporting the goal of all local businesses and homes having access to high-speed broadband that provides minimum download speeds of at least twenty-five megabits per second and minimum upload speeds of at least three megabits per second.
3. Fostering private/public partnerships and reduces barriers that have made collaborations burdensome and/or impossible.

ECONOMIC DEVELOPMENT (Cont.)

Background:

Sherburne County continues to experience a lack of broadband connectivity for local residents and businesses, particularly in less populated rural areas.

Obtaining fiber access to all areas of Minnesota is critical for the economic growth and prosperity of our state. More than merely a residential problem, it is equally important that our rural business owners, students and public entities have access to compete and carry out their business and educational activities.

Increasing funding for community-based broadband development will enable private sector businesses to respond to the increasing demands for these types of services.

Local Example: - Big Lake Police Department:

“Big Lake’s previous ‘best available’ cable internet connection was 100 mb download and 10 mb upload. When our 14 body cameras were uploading, the strain on overall internet connectivity was such that computers in the building, as well as any data sharing amongst partnering organizations, became nonfunctionally slow.

With our new broadband connection, the Big Lake Police Department moved to 1GB upload, and download — speeds that provide zero issues with every part of our department functioning at the same time, dramatically increasing productivity and efficiency. Body camera data that once took hours to upload, now takes minutes. We have the capacity for growing way beyond where we are today!”

~ Chief Joel D. Scharf, Big Lake Police Department ~

County Contact: Dan Weber, Economic Development Director
(763) 765-3007

ECONOMIC DEVELOPMENT (Cont.)

Expand the MN Rail Service Improvement (MRSI) Grant Program

Requested Position:

Sherburne County urges the legislature to expand the Rail Service Improvement Grant Program administered through MnDOT, with the grant program assisting Minnesota businesses and communities economically by providing for such purposes as:

- New siding, spur and trackage construction
- Track improvements & upgrading of existing track
- Repair and replacement of bridges, culverts and other critical supporting infrastructure

Background:

In 2018, Sherburne County partnered with BSNF, Xcel Energy, Connexus Energy, and the cities of Becker and Big Lake to conduct a local Rail Impact study. The County is in an enviable position of having a major rail line adjacent to a state highway passing through several hundred acres of flat, dry and highly developable land.

However, the costs to develop a new industrial park with adequate rail infrastructure are prohibitive and hinder the opportunities for local growth in both Becker and Big Lake.

Also in 2018, the MN Rail Service Improvement Grant Program was implemented through MnDOT, with \$1 million was dedicated to the program. Sherburne County partnered with the City of Becker to submit an application, but the County would like to see the amount dedicated to this program grow to \$5 million annually.

County Contact: Dan Weber, Economic Development Director
(763) 765-3007

ECONOMIC DEVELOPMENT *(Cont.)*

Becker Business Park Infrastructure

Requested Position:

Sherburne County seeks legislative support in State bonding funds for \$24.76 million in public infrastructure (water and waste water) Improvements for the Becker Business Park, to include:

- \$16.56 million for Sanitary Sewer Improvements
- \$4.95 million for Water Transmission and Distribution Improvements
- \$3.25 million for Water Supply Improvements

Sherburne County also seeks Legislative provision of additional funding availability and opportunity for local transportation improvements related to economic development.

Background:

As the energy industry redefines itself in and around the Sherco Power Plant in Becker, it is evident that the local water and wastewater utility systems need to be expanded to be able to support the economic growth that will occur in this nearly 2,000-acre area.

In addition to water and wastewater infrastructure improvements, the local transportation system needs to be able to support the economic growth that will occur in the Becker Business Park. Improved road strength, safe freight routes and convenient connections to the trunk highway system are a must.

County Contact: Bruce Messelt, County Administrator
(763) 765-3006

HEALTH & HUMAN SERVICES

Supervisory Overrides for Child Protection 24-hour Response

Requested Position:

Sherburne County supports an amendment to current statute that will allow supervisory override to the 24-hour face-to-face response requirement for special situations where a child is safe, such as:

- a. If the child is residing in a location that restricts contact with the offender; or
- b. In situations where the child cannot be accessed within the time-lines, such as:
 - If law enforcement requests the delay to coordinate an investigation;
 - If the welfare agency is pursuing a court order for the caregiver to produce the child for questioning;
 - If the welfare agency documents efforts made to complete face-to-face contact in situations where the child and caregiver are unable to be located, as established in guidelines issued by the Commissioner of Human Services.

Background:

MN Statutes 626.556 requires that “The face-to-face contact with the child and primary caregiver shall occur immediately if sexual abuse or substantial child endangerment is alleged and within 5 calendar days for all other reports.”

At times, Child Protection staff are required to reschedule other appointments in order to meet face to face, even though the child is safe. This is poor use of Child Protection worker time and disruptive to work with current clients.

HEALTH & HUMAN SERVICES (Cont.)

The current law does not allow for any exceptions. Failure to meet these requirements 90% of the time will result in a Performance Improvement Plan which requires a significant amount of staff time to complete.

County Contact: Jodi Heurung-Dick, Health & Human Services
763-765-4208

Cost Shifts to Counties

Requested Position:

1. The Legislature should reverse the trend of balancing the State budget by transferring costs of state-mandated health care and social services to County property taxpayers.
2. The Legislature should refrain from imposing further unfunded mandates and restore funding previously withdrawn from existing mandates.
3. When fiscal notes are prepared for any legislative proposal, the costs to the State AND to the counties should be included.

Background

For many years, the Legislature's response to the absence of adequate resources at the State level has been to shift various health and human services costs to Counties.

With few exceptions, the savings accruing from the County assumption of these program costs is returned to the States General Fund.

County Contact: MaryJo Cobb, Health & Human Services Dept.
763-765-4055

HEALTH & HUMAN SERVICES (cont.)

Costs Shares

Requested Position:

Sherburne County urges the legislature to address this issue by covering the costs to counties.

Background:

The Department of Human Services (DHS) has notified counties of three issues that have been discovered that will impact County budgets:

1. Substance Use Disorder for Institutes of Mental Disease cost shares were improperly calculated by DHS from 2014-2018 and will result in counties needing to repay DHS \$8.8 million. Sherburne cost- \$82,000
2. Federal changes effective July 2019 requiring enhanced background checks for child care institutions that receive Title IV-E funds were not implemented timely by DHS. IV-E reimbursement will not be available until child care institutions have completed enhanced background checks on all staff. Minnesota Statute does not require this to occur until June 2020. Cost to be determined.
3. Cash assistance repayments are needed for many clients statewide. County workers will need to complete the additional work. Sherburne County has 16 cases. Estimated work time for Eligibility Specialists and Accounting staff is a minimum of 2 hours per case.

County Contact: MaryJo Cobb, Health & Human Services Dept.
763-765-4055

HEALTH & HUMAN SERVICES *(cont.)*

T21—Minimum Age For Purchase of Tobacco Products

Requested Position:

- Minnesota needs to pass T21 legislation to conform with new federal rules and to clarify penalties, licensing, and enforcement.
- With over 55 localities having passed T21 policies, Sherburne County supports a consistent, statewide legislative approach.

Background:

Research shows that 95% of youth start tobacco product use before age 21. Use has reached epidemic proportions, specifically for e-cigarettes and vaping, with 1 in 4 high school students using it on a regular basis. That number is even greater in Sherburne County, with 1 /3 of 11th graders reporting past 30 day use (2019 MSS).

Despite some initial confusion, new T21 federal rules are already in effect, with additional enforcement information coming out soon.

Unfortunately, federal rules rely upon the FDA for enforcement and leave significant state and local policy implications unaddressed. The biggest challenge for Minnesota and its licensing agencies is with regards to enforcement of restrictions on and penalties for purchase, use, and possession (PUP).

Additional confusion exists around specific product restrictions, with modified provision recently announced by FDA to prohibit sale of closed-end systems (flavored pods, ie. Juul pods). However, while mint and other candied flavors are prohibited, the sale of low menthol and tobacco flavors will continue. Moreover, new rules do not impact open-ended system (vials of nicotine juice sold at vape shops).

County Contact: Jodi Heurung-Dick, Health & Human Services
763-765-4208

COUNTY ATTORNEY/COURTS

Commitment in Criminal and Civil Courts and Hard to Place Persons

Requested Positions:

1. Revise Statute to provide treatment for all individuals who are incompetent to stand trial and fund the necessary programming.
2. Restore and fund competency restoration programs regionally so individuals can remain close to their community support systems.
3. Fund mental health and support services for individuals “hard to place” due to their high needs or propensities for self-harm, aggression or violence.

Background :

People found incompetent in criminal cases may not meet the civil commitment standards and therefore go untreated in the community. If individuals are found incompetent in criminal cases and require restoration to competency, the State no longer provides restoration service once an individual “no longer meets medical necessity”. The Statute is silent on who is then responsible for restoring competency.

The County has no funding for restoration programs, nor skilled service providers. Individuals who are civilly committed or on mental health caseloads who have high needs or a propensity toward self-harm, aggression or violence are refused service by most providers.

Placement in a facility that is structured to meet these needs is extraordinarily difficult to find. For example, over a two month period, we contacted 45 facilities for placement of a mentally ill elderly person who needed physical supports and had a history of aggression. None of the 45 facilities would accept the person.

Statutory changes, funding and safe community-based treatment options are necessary to fill these gaps.

County Contact: Hon. Kathleen Heaney, Sherburne County Attorney
763-765-4725

AUDITOR/TREASURER

MNLARS and Compensating Deputy Registrars for Lost Business and Increased Costs

Requested Position:

To offset the additional costs of processing Real-ID-compliant driver's licenses and convenient access for all the state's citizens, the current \$8 driver's license agent fee must be increased to at least \$24 to allow these additional costs to be recouped.

Background:

The MICA Board of Directors urges the 2020 Legislature to do whatever it takes to fix MNLARS; to compensate deputy registrars for lost business and increased costs due to MNLARS' shortcomings and the additional workload that was intentionally shifted from the Department of Public Safety to deputy registrars; and to increase drivers' license filing fees to compensate for the substantially longer time necessary to process Real-ID-compliant drivers license transactions.

The Vehicle Titling and Registration Module of the new Minnesota Licensing and Registration System (MNLARS) was brought online at the end of July 2017. Numerous problems have plagued and continue to plague the system. Problems are particularly acute for vehicle title transfers and specialty plates with many customers waiting months for new titles and plates.

Longer transaction times (if the transactions have been able to be processed at all) have resulted in long waits for customers. Additional hours have been necessary to do the back office tasks resulting in either considerable overtime for deputy registrar staff or reduced hours for the public.

Minnesota also began issuing a new type of driver's license in 2018 in order for its citizens to board domestic airline flights or visit

AUDITOR/TREASURER ISSUES *(cont.)*

certain federal facilities without a passport. This change was 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 have had to be implemented that include new training, yearly background checks for driver's license agents and more extensive identification verification.

The latter will include processing and verifying:

- identification documents including full legal name and birthdate
- documentation of birthdate
- documentation of legal status and Social Security number
- documentation showing name and principal residential address

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

Per the testimony of Department of Public Safety (DPS) staff, the time to process Real ID-compliant licenses is 3 to 7.5 times longer than other drivers' licenses. The county service centers or county auditors offices will have to increase their staffing to meet the demands of processing Real-ID-compliant driver's license applications.

The new MNLARS system intrinsically shifted the workload of entering the data necessary to transfer vehicle titles from DPS staff to the deputy registrars. In addition, DPS charges deputy registrars \$35 per 200 pages of stock necessary to print duplicate titles. This has increased the costs to process title transactions.

As a result, many counties lose money on their driver's license services. Since the time and cost to process titling transactions has shifted from DPS to deputy registrars, the funding for this function should also be shifted to the registrars to compensate them for these costs.

AUDITOR/TREASURER ISSUES (Cont.)

One thing that the Legislature needs to keep in mind is that all vehicle titling and in-person registration is done by deputy registrars. If funding for deputy registrar services provided on the state's behalf remains inadequate, then a number of both private and local government-operated deputy registrar offices are certain to shut down making the availability of these services even more inconvenient for the state's citizens who will have to travel even farther to the remaining deputy registrar locations.

County Contact: Hon. Diane Arnold, Sherburne County Auditor-Treasurer
763-765-4363

ASSESSOR ISSUES

Commercial/Retail Assessments

Requested Position:

With Minnesota statutes requiring assessment at a minimum 90% of market value, Sherburne County supports legislative efforts to clarify assessment law as it relates to application of dark store theory.

Background:

The dark store theory is a tax strategy used by big box retail stores to lower their property tax value. These retailers contend that their fully operational, often thriving businesses should be assessed the same as vacant buildings or "dark stores." The theory is now being applied to smaller retail stores and even fast food restaurants.

When successful, this approach can mean the loss of substantial tax revenue for local governments. As a result, the local government must either shift the tax burden to its citizens and/or make cuts in local services. It is not untypical to see values adjusted by well more than 50%.

County Contact: Ms. Michelle Moen, Sherburne County Assessor
763-765-4901

COMMUNITY CORRECTIONS

CCA Funding & Priorities

Requested Positions:

- CCA counties are in need of supplemental budget appropriations of 4% for each year of the current biennium to address the state's share of their operating adjustment
- Long term, Minnesota needs a clear vision for correctional services that addresses the role of prisons, community supervision, and the state's role in funding.
- The Minnesota Sex Offender Program (MSOP) is in need of significant reform
- Minnesota needs to address the Mental Health crisis occurring in County Jails and Juvenile Facilities
- Minnesota counties require assistance in dealing with the Impacts of the ongoing Opioid Crisis

Background:

Currently, Community Corrections Act (CCA) counties supervise over 70% of the adult and juvenile offenders. For the 2020 -2021 biennium, the MN Department of Corrections (DOC) received significant new funding, while CCA counties received no operating adjustment in state funding.

Nor were additional funds received for CCA counties to supervise an estimated increase of 1,000 offenders who, if not assigned to community supervision, would otherwise have been in state prison.

Significant problems remain in providing correctional services related to those individuals in the MN Sex Offender Program, those suffering from Mental Health issues, and those dealing with opioid addiction.

County Contact: Mr. J. Hancuch, Director, Community Corrections
(763) 765-4599

PLANNING & ZONING

Priority Legislative Issues

Requested Positions:

- Sherburne County supports generation of additional funding and state-owned wetland banking credits through applicable state programs, to be available for use by counties for local road projects
- Sherburne County supports legislative changes to impose Solar Power Production Tax requirements on all commercial solar power production facilities.
- Sherburne County supports full implantation and effective enforcement of Minn. Stat. 473.848 as it relates to processing of metropolitan waste.

Background:

Planning & Zoning identifies the following three legislative priorities:

1. Local Road Wetland Replacement Program - Like many other MN counties, Sherburne is beginning to see the impacts on local road and bridge projects from restrictive Wetland Replacement requirements, especially including a lack of available wetland credits.
2. Solar Power Facilities & Production Tax—Sherburne County is experiencing continued interest in development of large solar production facilities, including Community Solar Gardens (CSG) and PUC-regulated Solar Farms. Little local revenue is generated from these facilities, as many fall just below the Solar Power Production Tax threshold.
3. Sherburne County is home to several major regional waste landfills, processing and recycling facilities. Unfortunately, lax enforcement and ongoing litigation involving MCPA has limited implementation of progressive state statutes and development of next-generation recycling/processing facilities.

County Contact: Ms. Nancy Riddle, Planning & Zoning Administrator
(763) 765-4460



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