



SCALE
 Scott County Association For Leadership And Efficiency

Date:	March 10, 2006
Resolution No.:	2006-001
Motion by:	
Seconded by:	

RESOLUTION 2006-001; SUBMITTING TO THE STATE AUDITOR PROPOSED MANDATES FOR CONSIDERATION OF REPEAL OR REFORM

WHEREAS, Minnesota Statutes §6.79 allows local governments to submit to the State Auditor mandate reform proposals; and

WHEREAS, mandate reform proposals will be listed on the State Auditor's website, along with the name of the local government submitting the proposal; and

WHEREAS, the Scott County Association on Leadership and Efficiency supports the concept of mandate reform and urges the Minnesota Legislature to give serious consideration to all proposals made by local governments;

THEREFORE, BE IT RESOLVED that the Scott County Association on Leadership and Efficiency hereby submits the following mandates to the State Auditor, along with the Statute citations and comments, as candidates for repeal or reform:

Mandate	Statute/Rule	Comments
Totally State-Fund Continued Health Insurance for Disabled Peace Officers	MS §229A.465	Cities are required to continue health benefits to police officers and firefighters injured in the line of duty. Initially, the state reimbursed cities for the full costs of complying with this requirement. Since 2003, the state has pro-rated reimbursements to affected cities based on the amount available and the number of eligible applicants. The 2003 law change resulted in significant and unanticipated costs to cities.
Provide State-Funding to Local Governments for 800 MHz Public Safety Radio and Communications System	MN Session Laws, 2005 Reg Ses., Chapter 136, Article 1, Sec. 9, Subd. 8	Despite increased reliance on 911 surcharge revenues to finance the cost of state bonds to be sold to continue to build-out of ARMER, the statewide public safety radio communications backbone, only a small portion of that financing is available to aid cities to build subsystems for local public safety communications that will provide interoperable communications with other jurisdictions. To date, the Legislature has not addressed how cities and counties will be able to afford to obtain the means necessary (communications infrastructure improvements and portable and mobile radio equipment) to obtain such coverage.
Remove Fee Limit for Minor Residential Improvements	MS §16B.63	Current law limits permit fees to \$15 or 5 percent, whichever is greater, for improvement, installation or replacement of a residential fixture or appliance that does not modify electric or gas service, has a labor cost

Mandate	Statute/Rule	Comments
and Equalization		starting January 1, 2006. This imposes a burden on the (at least) one member of the Board who must attend training in order to become certified. Staff members should be able to be relied upon to provide the technical expertise.
Repeal the Truth In Taxation Requirement for Mailing Parcel-Specific Notices; Eliminate the Required Truth In Taxation Hearing and Published Hearing Notice	MS §275.065	State law requires jurisdictions to provide pre-notification of property tax changes, newspaper advertisements, multiple special hearings, and compliance with state rules. Jurisdictions must certify a proposed levy amount by September 15, and with few exceptions, are not allowed to increase this amount. Jurisdictions must also pay a proportional share of the counties' costs of preparing and mailing parcel specific notices. While the intent of the law was to provide an opportunity for taxpayers to become involved in the budgeting process, in reality the hearings are held too late to make an impact. In addition, few taxpayers appear each year, and may question things not related to the hearing, such as property valuation.
Minutes Publication	MS §375.12	Allowing web publication in lieu of newspaper publication of county board minutes would save taxpayer dollars while preserving or even enhancing public access to this information.
Financial Statement & Budget Publication	MS §375.169 and MS §375.17	Allow counties to publish their annual budget summary and financial statements on their website rather than in the official newspaper; or allow a more condensed format (summarized statements). Allowing web publication in lieu of newspaper publication would save taxpayer dollars while preserving or even enhancing public access to this information.
Eliminate Library Maintenance of Effort	MS §134.34 and §134.341	Eliminate the requirement that in order to receive state grant a county must budget for library operations an amount equal to the 2 nd prior year's level of support unless adjusted net tax capacity decreases. When one area of the budget is off limits to reductions, other programs or services and their recipients unfairly bear a disproportionately greater share of any cutbacks when they occur.
Eliminate the Second Publication of the Delinquent Tax List	MS §279.09	Eliminate the requirement for the second publication of the delinquent tax list. Eliminating this requirement would reduce the cost of collecting delinquent taxes.
Allow All Counties the Option of Bidding Out the Annual Audit to Private CPA Firms	MS §6.48	Not all counties have been provided the opportunity by the State Auditor to use a private CPA firm for the audit. Every county should have the opportunity to potentially lower its costs.
Eliminate the Requirement That Local Governments Pay	MS §297A.61; §297A.62; §297A.63; §297B.01;	This is a situation of one government taxing another. This requirement was enacted in the 1990s during the state budget crisis. Continuation of this requirement is a shift of the tax burden from a consumption tax to the

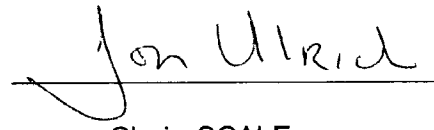
Mandate	Statute/Rule	Comments
Permit Fees		of \$500 or less, and is done by the homeowner or a licensed contractor. The limiting of permit charges may not accurately reflect the actual cost of providing the service.
Amend Employer Reference Disclosure of Personnel Data By Public Employer	MS §181.967, subd. 4	Amend Subdivision 4 to reflect the conditions in Subdivision 3 under which private employers may disclose personnel data. Current law regulates city disclosure of employment information regarding current and former employees, requiring that disclosure procedures and policies be implemented to assure that information provided is complete and accurate; that disclosure of information regarding acts of violence, etc. are to be provided only in writing; that the city obtained authorization from current or former employees to the release of such information prior to disclosing public personnel data, evaluations conducted prior to separation and employee responses, employee's personnel record and reasons (in writing) for employment separation; and provide current and former employees by mail a copy of employment information disclosed and to whom it was disclosed.
Amend State Zoning Standards	MS §462.357	Local zoning decisions for manufactured homes, group homes, earth-sheltered homes, etc., are limited by the state in current law. This statute should be amended to allow these decisions to be made at the local level.
Repeal Biodiesel Fuel Mandate	MS §239.77	Current law requires that fuel sold in the state after June 30, 2005, for use in internal combustion engines, contain a minimum of two percent of biodiesel fuel by volume. This requirement could increase fuel costs and/or maintenance costs for affected vehicles. The concern is that the fuel may not be totally comparable to "regular" diesel fuel, both in terms of performance and maintenance.
Repeal Mandate to Purchase from Corrections Industries	MS §16B.181	A 1998 law change requires the state and all political subdivisions to purchase only from MINNCOR when purchasing the products MINNCOR produces. This requirement was effective the year 2000 if the state and political subdivisions fail to meet a purchasing quota – the quota has not yet been established. MINNCOR products should have to compete with other vendors.
Repeal Nonvisual Technology Access Standards	MS §16C.145	A 1998 law mandates the state and all political subdivisions to require all technology hardware and software purchases and upgrades to satisfy non-visual technology standards that exceed the America Disability Act (ADA) requirements. This mandate requires the purchase of technology that is either not yet available or is cost prohibitive. Reasonable accommodations for disabled voters have been provided in the past, and the mandated cost of upgrading to a new type of system which is not yet widely available is not warranted at this time.
Repeal Training Mandate for Local Boards of Appeal	MS §274.014	Requires that at least one member of the local boards of review must attend an appeals and equalization course developed or approved by the commissioner of revenue

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State Sales and Use Taxes	§297B.02; §297.03	property tax.
No Further Adjustment to Timeline For Phase Out of Limited Market Value	MS §273.11, subd. 1a	The sunset date for limited market value has been adjusted over previous legislative sessions. Uncertainty over the timeline for phase out of limited market value delays planning and preparation for the phase out by county assessors as well as for property owners.
Increase State Aid Proportionally for Public Employees Retirement Association Employer Contribution Rate Increases	MS §273.1385	Increase state aid to government jurisdictions at a minimum proportionally to employer contribution rate increases for the Public Employees Retirement Association. Increasing state aid proportionally both acknowledges jurisdictions' responsibility for contributing to employees' retirement and reflects the state's responsibility for rate changes made at the state level.
Totally State-Fund Placement of State Short-Term Offenders in County Jails	MS §609.135 and MS §609.105	Fully fund county costs to house the placement of State short-term (180 days or less) felony offenders in county jails. Incarceration of felony offenders had always been a state responsibility. County jails are ill-suited to provide the supervision and programming needed for these serious offenders.
Totally State-Fund Extended Jurisdiction Juvenile	MS §260B.130	Fully fund the EJJ program that keeps serious offenders out of the adult system and within the juvenile system until age 21. Diversion to the juvenile system imposes substantial out of placement costs on counties.
Eliminate Requirement of Coordinating With Placement Workers the Visiting of Foster Care License Holders After First Placement in Child Foster Care	MR 9543.0060 Subp. 5B	Scott County is proposing elimination of the requirement that the licensor "coordinate with placement workers to ensure that the license holder is visited by a placement worker or the licensor at least monthly for the first six months after the first placement in child foster care." This requirement places an administrative burden for documentation on the county without providing a positive outcome for the children placed. Current regulations for children in placement as well as evidence based practice assures frequent and case specific contact between children in placement, providers and social workers which is documented in the child's record. Additional documentation requirements in the foster care records are time consuming and provide no added benefit. The same licensing requirements apply to respite providers as to ongoing foster care providers. Some respite homes may be used infrequently so that monthly visits have no purpose if there are no children currently using the home.
Delegate to Counties the Authority to Impose Sanctions on a Child Care License Except for Temporary Immediate	MS §245A.07 MR 9502.0315-9502.0445	Scott County is proposing that authority to impose sanctions on a license, except temporary immediate suspensions, be delegated to the county. Currently, the county is required to investigate all rule and statute violations pertaining to licensed family and group family child care businesses. If the county determines that there is failure on behalf of the licensed program to comply with Minnesota Rule 9502 or the terms of

Mandate	Statute/Rule	Comments
Suspensions		licensure which adversely affect the health and safety of the children in care, the county only has the authority to recommend a negative licensing action to the Department of Human Services. Once the recommendation has been made to the Department, there is often a time delay of several weeks to several months before an order is issued by the State, thus children may continue to be served in unsafe environments. The county attorney is required to represent the commissioner in contested case proceedings and in reviewing and approving of county licensing recommendations before forwarding to the Department of Human Services.

Adopted by Consensus Vote of Members

Date:


Chair, SCALE