As a local government employee before entering the state legislature, I became well accustomed to the frustration caused by unfunded mandates – responsibilities passed down by federal and state government with no money to pay for them. It is like someone else putting their grocery bill on your credit card... when you are already low on available funds. As I began my first term in the Wisconsin State Assembly in 2011, one of my priority legislative initiatives was to resurrect a proposal to require the full cost of local government compliance with state mandates to be funded before they can pass or be enforced.

My proposal contains language virtually identical to 2003 Senate Bill 15, which passed both houses of the legislature and was vetoed by former Governor Jim Doyle. Last session, as 2011 AB 326, it passed out of the Assembly Urban & Local Affairs Committee on a unanimous bipartisan vote, and will soon be reintroduced.

Under this proposal, any bill placing a statutory requirement on a local governmental unit must be immediately referred to a legislative Joint Survey Committee on Mandates and may not be considered further until the committee submits a report. If the committee’s report concludes that the bill has a negative uncompensated fiscal effect on local governmental units, and the mandate is wholly state-imposed, the legislation requires the committee to offer an amendment appropriating funds to offset the cost of compliance.
If an enacted mandate is not funded, either upon passage or in the future, the mandate may not be enforced until it is funded. The bill also applies to unfunded mandates created by administrative rules promulgated by state agencies. The legislation would direct the Legislative Fiscal Bureau to identify all mandates for the committee, other than ones having a minimal fiscal effect, and requires the committee to review and evaluate existing mandates through investigations and hearings.

The concept is simple: If the state mandates it, the state should fund it. If the state does not want to or cannot afford to pay, it should not expect local government to cut the check. Wisconsinites understand that this is not a partisan issue; it is about common sense and truth in budgeting. A statewide advisory referendum that prohibits unfunded mandates passed overwhelmingly in 2005. Over half of all states regulate unfunded mandates, roughly half through statute, half through the constitution, and some through both (I also authored a similarly worded proposed constitutional amendment last session).

Mandate relief provides significant protection for taxpayers, as the number of unfunded mandates and their associated costs have grown precipitously over time. The state legislature is given broad discretion in the policy arena, often going above and beyond the minimum expectations of government and frequently for quite justifiable reasons based on demand for services. Local governments have much the same discretionary ability. But the number of things that are beneficial vastly exceeds what any government can afford (otherwise we would just mandate “a chicken in every pot”), making it that much more essential to weigh benefits against costs. This is the essence of sound fiscal decision making. Individuals and organizations must weigh trade-offs all the time. If these programs are as important as they are said to be, then they should be paid for. A verbal case can be made for almost anything, but putting money where your mouth is becomes a lot tougher.

Local government has long been “passed the buck” without actually being passed the bucks to go with new responsibilities, despite rising costs and pressure to deliver more services, more efficiently. But with the passage of my bill, the state will have to fairly pay to ensure that local governments have to do what they say.
ALL COUNTIES NEEDED!
Connecting Wisconsin Individuals & Families to Affordable Health Insurance

—Brett Davis, Wisconsin Medicaid Director, Wisconsin Department of Health Services

Beginning in January 2014, all Wisconsin residents will have access to affordable health insurance. Some individuals and families will get health care through Wisconsin’s public health care program, BadgerCare Plus while others will purchase it through the private market, their employer, or through the federal Health Insurance Marketplace.

Wisconsin’s counties are poised to play a key role in helping connect individuals and families with the appropriate public or private health insurance program, including assisting 92,000 current BadgerCare Plus adults members transition to Qualified Health Plans (QHPs) offered through the Marketplace. This is not an undertaking that the department and County Income Maintenance staff the income maintenance consortia can take on alone. We will need every hand on deck – every health care provider, community organization, public health department, schools and even libraries – working together to help our friends and neighbors learn about and get coverage through the appropriate health care channel.

At the end of the day, Wisconsin’s Entitlement Reform plan presents the opportunity to reduce Wisconsin’s uninsured rate by nearly half. We all share the goal of ensuring Wisconsin residents have access to affordable health care coverage. By working together we can achieve our shared goal of reducing Wisconsin’s uninsured rate.

Wisconsin is in a unique position to provide coverage to all adults living in poverty through BadgerCare Plus. We have already been working together for a couple of decades through several different administrations to help ensure Wisconsin residents have access to affordable health insurance. We have worked together in the past to help connect uninsured children, families, and childless adults to health insurance through Medicaid and BadgerCare Plus. During these past outreach campaigns, the department’s most successful partners have been county agencies. When individuals and families are in need of assistance or have questions, many first seek help by contacting county government.

Over the coming months we will again be renewing this partnership and
growing it by establishing 11 Regional Enrollment Networks that will cover the entire state. Each REN will work together to assist Wisconsin residents with enrolling in the appropriate public or private health care coverage and each will be comprised of various community partners, health care providers, income maintenance consortia, managed care entities, and other key stakeholders like yourselves – county government.

This coordinated public relations and outreach campaign, facilitated through the creation of 11 regional enrollment networks, will allow consistent information to be shared in all regions of the state as well as allow each regional enrollment network to tailor the message to meet the needs of its residents and decide how to best reach individuals and families to assist them with enrolling in the appropriate public or private health care coverage. The regional enrollment networks will assist transitioning members and uninsured Wisconsin residents to enroll in the appropriate public or private health care coverage.

Many partner organizations including public health departments, community based organizations, advocacy groups, Qualified Health Plans (QHPs), veterans groups, tribes and others have shown interest in collaborating to assist Wisconsin individuals and families navigate these new health care coverage changes.

The department anticipates that the RENs will accomplish the following:

1. Promote BadgerCare Plus application submission through the online ACCESS application tool;

2. Assist people with completing applications on the Marketplace;

3. Educate partners and the public about key Marketplace and BadgerCare Plus application timelines and processes, educating the RENs on the timeline and processes, minimizing unnecessary or duplicate applications from being submitted to Income Maintenance (IM) agencies due to member confusion; and,

4. Promote the submission of applications directly to the appropriate channel that will provide the most efficient and expedient processing.

As you know, we are faced with a very aggressive timeline to operationalize the RENs and begin the very important task of assisting Wisconsin individuals and families enroll in the appropriate public or private health care coverage. If you are interested in partnering with the Regional Enrollment Network please email the DHS staff member assigned to the REN in your area. The contact information is available online at http://www.dhs.wisconsin.gov/health-care.

I look forward to working with the Wisconsin Counties Association and each Wisconsin county as we work tirelessly over the coming months to help our friends and neighbors learn about BadgerCare Plus and the Marketplace, enroll in the appropriate health care program, and reduce our state’s uninsured rate by nearly half. Thank you in advance for all of your hard work.
The new state budget creates a standardized regulatory framework pertaining to any facilities and support structures that provide mobile service, i.e., telecommunications facilities. The state of Wisconsin previously had no form of standardized regulatory framework and gave local units of government the ability to exercise broad authority over this process subject to the constraints established by federal law. The changes now codified in state law will impact both municipalities and counties as they regulate cell phone towers and radio broadcast facilities at the local level.

The Federal Telecommunications Act of 1996 preserved local zoning authority, and clarified when the Federal Communications Commission (FCC) may preempt the exercise of local zoning authority. In summary, under federal law, local governments were preempted from enacting regulations that discriminated among providers, prohibited facilities within a certain area or regulated the environmental effects of radio frequency emissions. Federal law also deals with the use of federal or state government property for siting.

The new statute, codified at Wis. Stat. § 66.0404, limits the local government review period for new siting or substantial modification applications to 90 days and provides for a 45-day review period for collocation permits that do not require substantial modification. The new law seeks to ensure that permitting fees are cost based and are capped at $3,000 for new tower requests and major modifications. Minor modification requests are subject to the standard building permit fee or $500, whichever is less. The new law prohibits counties and municipalities from requiring providers to use government owned facilities and denying a new tower application based solely on aesthetic reasons.

There may be some confusion regarding the use of public property for cell tower facilities under the new law. A county or municipality may not prohibit the use of its land for cell tower siting, but can deny a permit application as long as the denial is consistent with a regulation that
complies with Wis. Stat. § 66.0404. Cell tower facilities may be placed on county or municipal property and the governing entity is able to charge a fee for such use. Existing contracts agreed to before passage of the new law remain in effect under the newly enacted policy and may be renegotiated once an existing contract expires.

If a county or municipality denies a permit on either public or private property, that entity must include a written notification and provide substantial evidence supporting its decision. A party who is aggrieved by the final decision of a county or municipality may bring an action in the circuit court of the county where the proposed activity, which is the subject of the application, is to be located.

If a county enacts a zoning ordinance that pertains to new structures or substantial modification of existing structures, the ordinance applies only in the unincorporated parts of the county unless a town enacts an ordinance that regulates new structures or substantial modification of existing structures after the county has adopted its own ordinance. Under this circumstance, the county ordinance does not apply, and may not be enforced in the town. If the town later repeals its ordinance, the county ordinance then would be applied in that town.

The Wisconsin Counties Association is committed to keeping county officials informed. Available on our website are frequently asked questions regarding the Mobile Tower Siting Regulatory policy. You can also feel free to contact us at the WCA offices for more information.
County Treatment, Alternative and Diversion (TAD) programs are getting a lot of attention these days as lawmakers seek smarter, more cost-effective ways to get tough on crime.

TAD is a state grant program now administered by the Department of Justice that provides funding to counties to develop alternatives to jail and prison for non-violent offenders with substance abuse problems. At the county level, TAD programs bring together all the players in the local criminal justice system – judges, prosecutors, human service professionals, law enforcement, corrections officials, and others – to develop and implement an evidence-based approach to treatment for these offenders.

Nine counties around the state are currently operating TAD projects in two major categories: drug treatment courts (in Burnett, Washburn, Wood and Rock Counties) and diversion/deferred prosecution projects (in Ashland, Bayfield, Milwaukee, Washington, and Dane Counties).

TAD programs are popular with counties because each county determines the type of project it will undertake and which offenses and offenders it will target. The common thread in all TAD programs is the assessment offenders’ criminal risk, determination of their treatment needs, and then continuous measurement of the offenders’ progress.

TAD programs have caught the eye of the Legislature because, simply put, they have been proven to save money and reduce crime. A 2011 evaluation by the University of Wisconsin Population Health Institute of the first seven TAD projects found that for every $1 spent on TAD programs, taxpayers saved $1.93 in future incarceration costs. That is nearly a two-to-one return on investment, and a conservative one at that.

More importantly, 76% of TAD participants had not been convicted of a new offense within one year after completing the program, and offenders who completed a TAD program were nine times less likely to go to prison than their peers.

The success of these TAD programs prompted lawmakers to increase funding for TAD programs and drug courts by $1.5 million annually in the 2013-15 state budget, a 150% increase over the $1 million annual allocation in prior years.

Now that state funding for TAD grants has increased, WCA is working with lawmakers and key stakeholders to expand the range of TAD programs counties may offer – using evidence based practices from the moment of arrest to transition from jail or prison back into the community – as well as the types of offenders that may participate.

As with the current TAD grant program, the emphasis for any new legislation will continue to be on local decision-making, use of evidence-based practices and accountability for the results, and ultimately, safer counties and lower costs.