





Iowa State Association of Counties

# 2013 Legislative Priorities

85th General Assembly, 1st Session



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The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation that was incorporated on October 8, 1964. Senate File 37, which was adopted on June 30, 1971, allowed counties to pay member dues to the organization. ISAC members are elected and appointed county officials from all 99 counties. Counties pay voluntary dues to belong to ISAC in return for a number of services, such as education and training, benefit programs, technical assistance and government relations. ISAC members participate in one of 15 different statewide affiliated associations corresponding to each county office. For example, the county attorneys in the state participate in the Iowa County Attorney's Association, Inc. affiliate.

ISAC's mission is to promote effective and responsible county government for the people of Iowa. To that end, ISAC's stated purpose is to secure and maintain cooperation among the counties and county officials, promote comprehensive study of local problems and find ways of solving them, provide methods of interchange of ideas among various county officials, and promote and work for the enactment of legislation that is most beneficial to the citizens of Iowa. These endeavors support our vision of being the principal, authoritative source of representation, information and services for and about county government in Iowa.

# 2013 Legislative Policy Committee

The 2013 ISAC Legislative Priorities were developed by the ISAC Legislative Policy Committee (LPC). This committee is composed of two representatives from each affiliate and is chaired by Harlan Hansen, Humboldt County Supervisor and ISAC 2nd Vice-President. The committee has worked together to create a short and cohesive set of legislative objectives for ISAC to pursue in 2013.

At the end of August the committee convened to hear legislative policy proposals from each affiliate. The committee worked hard for two days discussing implications of any changes. Between the August and September meetings at which the legislative objectives were adopted by the committee, staff and committee members performed research on any questions that needed to be answered or clarifications that needed to be made.

The 2013 Legislative Objectives, Policy Statements and ISAC Top Priorities recommendations were presented to the ISAC Board of Directors, which voted on October 26 to recommend them to the full membership. The full membership approved the legislative package during the General Session at the ISAC Fall School of Instruction on November 28, 2012.

## 2013 ISAC LPC Committee Members

**Committee Chair:** Harlan Hansen, Humboldt County Supervisor and ISAC 2nd Vice-President

### Assessors

Dale McCrea, Muscatine County  
Deb McWhirter, Butler County

### Auditors

Ken Kline, Cerro Gordo County  
Dennis Parrott, Jasper County

### Community Services

Lori Elam, Scott County  
Shane Walter, Sioux County

### Conservation

Dan Cohen, Buchanan County  
Matt Cosgrove, Webster County

### County Attorneys

Darin Raymond, Plymouth County  
Matt Wilber, Pottawattamie County

### Emergency Management

Gary Brown, Woodbury County  
Mike Goldberg, Linn County

### Engineers

Paul Assman, Crawford County  
Lyle Brehm, Tama/Poweshiek County

### Environmental Health

Eric Bradley, Scott County  
Jon McNamee, Black Hawk County

### Information Technology

Micah Cutler, Franklin/Hardin County  
Jeff Rodda, Polk County

### Public Health

Kathy Babcock, Chickasaw County  
Lynelle Diers, Wapello County

### Recorders

Kathy Flynn Thurlow, Dubuque County  
Sue Vande Kamp, Story County

### Sheriffs and Deputies

Don DeKock, Mahaska County  
Jerry Dunbar, Washington County

### Supervisors

Wayne Clinton, Story County  
Mark Sybesma, Sioux County

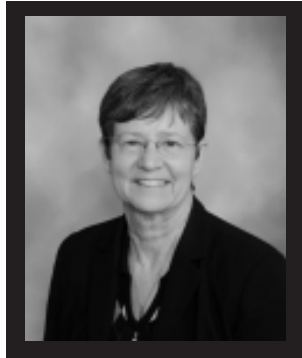
### Treasurers

Dianne Kiefer, Wapello County  
Ana Lorber, Henry County

### Zoning

Joe Buffington, Henry County  
RJ Moore, Johnson County

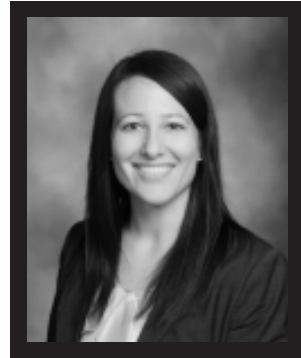
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## 2013 County Day at the Capitol



ISAC members will spend Wednesday, March 13, 2013 at the statehouse. County officials will participate in the lobbying process by meeting with their legislators. Individual affiliate displays will give legislators and the public the opportunity to learn about the important roles that each office plays in the effective administration of county government.

Lunch will be provided for legislators and attending county officials, again giving county officials the opportunity to interact with legislators.

County Day at the Capitol improves county government!

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# ISAC Top Priorities

- **Property Tax Reform**
- **Mental Health Funding**
- **Road Funding**

## Property Tax Reform

Iowa's schools, cities and counties provide many critical services to local citizens. In 2004, ISAC and the League of Cities developed a comprehensive proposal to reform Iowa's property tax system. This proposal continues to have merit in resolving some of the problems identified, while protecting funding for Iowa's local governments. Unfortunately, the Legislature has not moved forward with this proposal. Since 2004, ISAC has focused on several specific proposals to improve Iowa's property tax system, including allowing local government to capture the value of new agricultural buildings and developing standard guidelines for the classification of agricultural property. In 2011 and 2012, the Governor and the Legislature made proposals for reform. There are several principles that ISAC will use to review any of the proposals brought forward in 2013. They are:

- The proposal must be generally revenue neutral;
- There must be enough local flexibility to accommodate additional service needs due to federal/state cuts;
- The inherent stability of the property tax funding stream must be maintained;
- Any limitation must allow growing counties to capture growth;
- Any limitation must apply only to general basic and rural basic funds;
- The general and rural supplemental funds must be maintained, and counties must be allowed to levy additional dollars outside of the basic fund limitations for those specified supplemental purposes;
- Local governments must be able to exceed any limitation through a process less cumbersome than a special election;
- Any commercial property tax relief must focus on small, main street businesses;
- If there is a property tax credit, it must be funded or prorated;
- Any comprehensive proposal must take the opportunity to uncouple agricultural and residential properties and allow market forces to determine the value of residential property (or in lieu of this there must be a floor placed on the residential rollback);
- Any limitations on reserves must be reasonable and allow local governments to save for a "rainy day";
- The plan must be phased in over enough years to cushion the impact on local governments;
- Issues related to Tax Increment Financing must be addressed; and
- The plan should allow for capturing the property taxes associated with the increase in new agricultural values.

# ISAC Top Priorities

- Property Tax Reform
- Mental Health Funding
- Road Funding

## Mental Health Funding

Many counties are facing a major funding crisis regarding county mental health and disability services (MH/DS). There are certain services that counties are mandated to provide and just as the state has concerns about the federal government passing unfunded mandates down to it, the counties are concerned about the state doing the same to them. Unfortunately, counties are prohibited from generating any additional funding for MH/DS services through property taxes. This problem will persist when the system moves to a region-based mental health system. The chronic underfunding of the county-managed system is what led to the current redesign and the promise of state funding to stabilize and enhance the current service delivery system.

The Legislature needs to appropriate sufficient funds in January prior to counties developing their FY 2014 budgets to ensure that counties have the resources to provide mandated core services. In addition, the Legislature needs to:

1. Implement the shift from legal settlement as the basis for funding services to residency, prior to making any additional changes in the system. The financial impacts of this shift need to be addressed prior to adding any additional requirements to the system.
2. Adopt a state-wide plan for core services that replaces current mandates (Iowa Code §§222.60 and 230.1, and Chapter 229).
3. Develop a state-wide response to access on in-patient hospital beds as a first step in addressing the ongoing critical issues in commitment processes.
4. Vest all responsibilities, including payment, for the judicial mental health advocates either with the state or the regions.



## Road Funding

Maintaining and improving Iowa's roads and bridges are vital in continuing to grow the state's economy, and every road jurisdiction is struggling to fund its portion of the road system. These funding problems have been exacerbated over the years by Iowa's harsh winters, floods and heavy equipment usage. TIME-21 seeks to focus \$225 million on the priorities set by the TIME-21 study. The policy for funding TIME-21 was set by legislation during the 2007 session and partial funding passed during the 2008 session.

ISAC supports an immediate increase in the motor fuel tax and a combination of other road-related revenue increases. The \$225 million cap to the TIME-21 fund must be maintained, and increased revenues in excess of this cap should be distributed like other Road Use Tax Fund disbursements.

# Legislative Objectives

## **Agricultural Exemption from Zoning, Building Codes**

PROBLEM: The exemption from county building codes and zoning regulations for farm houses needs to be clarified. Legislative amendments (1963) and an opinion from the Attorney General's Office (#97-1-1) have made it virtually impossible for counties to apply objective standards in uniformly and consistently administering the exemption. Because of the changing nature of agriculture, this state-mandated exemption will only become more difficult for counties to administer. When counties adopt building and zoning regulations, the public health, safety and welfare benefits of those regulations should be applied to all households regardless of the owner's occupation.

SOLUTION: Amend Iowa Code §§331.304(3)(b) and 335.2 to eliminate the farm house exemption. The building exemption would still apply to "farm barns or farm outbuildings" and the zoning exemption would still apply to "land, farm barns, farm outbuildings or other buildings or structures" used for agriculture.

## **Annexation and De-annexation**

PROBLEM: Under Iowa Code, counties have limited ability to provide input in the voluntary annexation and de-annexation processes. Most voluntary annexation requests only go before a city council. In the case of de-annexations, any territory may be severed upon unanimous consent of the owners of the territory and approval of the city council. Neither the county nor the City Development Board has any input in the process. The severance may be the result of a dispute between the residents of the area and the city and may have no basis in smart planning principles. Counties have a particular concern if they will become financially responsible for infrastructure associated with the severed land. The appropriate land use plan category and zoning designation must be determined, any existing nonconformities must be identified and documented, and residents in the severed area must be informed of the county's rules and regulations.

SOLUTION: For a voluntary annexation request that the county board expresses opposition to, amend Iowa Code §§368.7(2) and 368.7(3) to require the request to go before the City Development Board. For proposed severances, amend Iowa Code §368.8 to either 1) require a county to approve or reject a proposed severance; or 2) require the City Development Board to approve or reject any proposed severance after considering the city's and county's adopted comprehensive plans, zoning, reasons for the proposed severance, and other relevant factors.

## **Bottle Bill Expansion**

PROBLEM: Iowa's Beverage Containers Deposit Law, known as the "Bottle Bill," has reduced the litter removal costs to highway and park departments, resulting in tax savings to the citizens of Iowa. This highly successful law was passed in 1979 and changes in packaging of beverages over the years have left many types of beverages uncovered by the deposit law. Easy access to recyclers is essential for this success to continue in rural areas. Of the \$0.05 deposit, redemption centers collect a \$0.01 handling fee for each recyclable container. The \$0.01 fee can no longer cover operating costs, including labor, energy, and increasing costs in materials.

SOLUTION: Expand Iowa's Beverage Containers Deposit Law to include all beverage containers, require acceptance of empties by retail outlets, and increase the deposit or handling fees. Any increase in handling fees should be used to support and encourage the establishment of bottle and can recycling centers.

## **Courthouse Bonding Authority**

Problem: Iowa law requires counties to provide and maintain space for the state-run court system. Under current law, bonds issued for public buildings are authorized as "essential county purpose" bonds if the cost of the building project does not exceed dollar amounts specified in the Iowa Code. The limits are indexed to county populations and increase incrementally from \$600,000 to \$1.5 million. Essential county purpose bonds issued within these parameters require a 10-day notice to the public and are not subject to reverse referendum. Bonds that exceed the limit are considered general county purpose bonds and must be approved by referendum with 60% of the voters approving. This is keeping some counties from providing and maintaining adequate space for the courts.

Solution: The legislature should amend the Iowa Code to set higher essential county purpose bond limitations for courthouse facilities but restrict the total amount of outstanding courthouse debt principal; permit a 30-day reverse referendum for courthouse facilities; and base bond amount limitations for public building on the amount of the bonds issued rather than on the total cost of the project.

# Legislative Objectives

## **Elections**

### *Saturday Voting*

**PROBLEM:** Under current law, the deadline for registering to vote for primary and general elections is 10 days before the election in order for a voter to be listed on the election register. It is 11 days prior for all other types of elections. This mandates county auditor offices to be open on the Saturday 10 days prior to each primary and general election. Turnout on this Saturday is minimal due to the availability of Election Day registration and an increase in absentee voting during regular courthouse hours, at satellite voting locations, and by mail. Offices are being unnecessarily opened and staffed at a high cost to taxpayers.

**SOLUTION:** Change the registration deadline to 11 days prior to the primary and general election.

### *Absentee Voting*

**PROBLEM:** Current law requires county auditors to provide absentee voting at their offices until the close of business on the Monday before Election Day, and until 11:00 am on Election Day when the polls open at 12:00 noon. This causes difficulties in completing critical, last-minute administrative functions, such as generating and distributing election materials, including lists of absentee voters, to Precinct Election Officials, delivering and testing voting equipment, assisting the Special Precinct Board, and handling voter questions.

**SOLUTION:** Amend Iowa Code §53.10(1) to end absentee voting at the auditor's office at 12:00 noon on the Monday prior to Election Day. Amend Iowa Code §53.2(1) to eliminate absentee voting at the auditor's office between 8:00 am and 11:00 am on Election Day when the polls open at 12:00 noon.

### *Absentee Ballot Postmark*

**PROBLEM:** Ballots from voters that are received through the mail after Election Day cannot be counted if their return envelopes have no postmark or have an illegible postmark. Due to no fault of the voter, the ballot is rejected. The practice of postmarks being placed on return envelopes is very inconsistent throughout the state of Iowa.

**SOLUTION:** Amend Iowa Code §53.17(2) to state that all absentee ballots received by the auditor before the polls close on Election Day will be counted and no ballots received later will be counted, regardless of the postmark date.

## **Posting Notices**

**PROBLEM:** It is a costly requirement for counties to post all notices in newspapers. Counties currently spend in excess of \$3 million per year to publish various notices and other required documents in the newspaper. One example is the requirement that the description of all parcels being sold at the annual tax sale must be published along with the time, date and place of the sale. There are other options that would be much less costly and just as accessible to local citizens.

**SOLUTION:** Allow local governments to publish abbreviated notices in the newspaper with a reference to how the entire document may be accessed, including having the document mailed to the constituent upon request. Allow treasurers to reference where the description of the parcels to be sold at the annual tax sale can be accessed. This could be on the state website, on the county website and in the treasurer's office.

## **REAP Funding**

**Problem:** The Resource Enhancement and Protection (REAP) program has never been fully funded. Lack of funding translates into fewer investments that are important to quality of life and economic activity in Iowa communities. For example, current funding levels only allow one of every five competitive REAP grant applications from county conservation boards to be funded.

REAP is a nationally recognized state funding program that helps counties make improvements to parks and facilities, protect important outdoor recreation areas, build and improve trails, protect water quality and conserve soil, conduct education programs, manage roadsides, and preserve and enhance historic sites and tourism attractions. REAP investments are known to enhance Iowans' quality of life, and are economically important to Iowa communities.

**Solution:** ISAC supports full funding for REAP.

# Legislative Objectives

## User Fees

**PROBLEM:** There is a number of services that counties provide to the public that are subsidized by property taxes because the fees charged to the customers are not adequate to pay for the service. Many fees have not been raised in years and the increased expenses are funded by the property tax payer. Included in this category are: the e-commerce fee charged for the recording of documents, which funds the cost of redacting these documents before they are published online, and food code license fees.

**SOLUTION:** Raise the following fees:

- E-commerce - Increase the fee from \$1 to \$2 to cover the costs of redacting personally identifiable information contained on recorded documents, providing technical support for document transfer to the website, and delivering electronically submitted documents to the counties for recording.
- Food code license fees - The fees generated from the licensing of food establishments are not adequate to cover the costs of the inspection program. Develop an appropriate licensing structure for re inspections, mobile licenses, temporary event licenses and plan review. In addition, revise the current food license fee schedule by rounding all fees up to the nearest dollar.

# Policy Statements . County Administration and Organization

## **County Home Rule and Local Governance**

In 1978, the County Home Rule Amendment was added to the Iowa Constitution, giving counties home rule power and authority to address local affairs and determine governmental structures. County officials seek to preserve local decision-making authority and oppose tax limitations, unfunded state mandates, state-mandated reorganization measures, or other state initiatives that limit a county's ability (and therefore its citizens' ability) to make spending, service, and governance decisions at the local level. ISAC reaffirms its commitment to the concept of local control over local governance issues.

## **County Technical Clean-Up Legislation**

County officials, including auditors, recorders, and treasurers, occasionally have technical concerns with the Iowa Code. Those who work in these areas annually identify technical improvements that can be made to allow their offices to operate more efficiently for both the customers and those who are working in and managing those offices. ISAC supports the efforts of each of these affiliates in bringing forward technical bills to address noncontroversial improvements.

## **Enhanced Access to County Data**

Many commercial requests for county data, some as large as the entire database, come from businesses and organizations that do not directly serve the public that funded the enhanced access to records. In some cases, these entities take excessive measures, such as screen scraping, to access electronic records. Screen scraping is a technique in which a computer program extracts data from the display output of another program. When such a business practice becomes so extensive and intrusive as to negatively impact the enhanced access to records by other intended users, it becomes a financial burden on the government entities providing the access. It also becomes necessary to add additional bandwidth or constantly implement additional safeguards to try to prevent such practices. Generally thought of as remote or online access to electronic records, enhanced access gives added value and accessibility to the requested record. The current situation requires county taxpayers to subsidize the true cost of this technology, while those in the private sector who benefit tremendously from the technology, including out-of-state companies, pay virtually nothing. For these reasons, ISAC supports allowing government entities the option of negotiating higher fees for commercial record requests. These higher fees would be more reflective of the actual costs associated with such requests and those records provided with enhanced access.

## **Infamous Crime Provisions**

Iowa citizens convicted of aggravated misdemeanors have their individual voting rights terminated due to conflicts between Iowa Code §48A.6 and the Iowa Supreme Court's definition of "infamous crime" as used in the Iowa Constitution. ISAC supports legislation that will clarify the terminology used to report felony convictions to the state registrar of voters. All efforts to protect the voting privileges of Iowa's citizens must continue to be a high priority.

## **Iowa Communications Network Access**

Iowa's counties and cities are not able to access the Iowa Communications Network (ICN) because counties and cities were excluded from the definition of "public agency." This prevented local governments from exploring creative ways of using the network and forced the use of more expensive alternatives. Now that the Legislature has expressed its intent to either sell or lease the ICN, counties and cities should be able to access the network at the same rates as the public agencies that have long had such access.

## **Maintaining County Elected Officials**

Having a full slate of local elected officials – and keeping them accountable every step of the way – is the best guarantee of a government that is fiscally responsible yet visionary, and always ready and able to promote the best our counties have to offer. As autonomous elected officials, we have the incentive to strategize with our peers to improve services to the public, to organize our offices in the most efficient manner in providing good value to our constituents, and to budget wisely in a very public setting. We know our customers and business partners – both public and private – and understand how legislation affects all aspects of our offices. County elected officials are accessible and can be contacted by the public at any time for discussions and questions. We work collaboratively with each other to provide a comprehensive planning process to guarantee the effective use of our tax dollars. By standing for election every four years, we give the public the opportunity to scrutinize our choices and accomplishments. ISAC supports elected officials representing county government.



# Policy Statements . County Administration and Organization

## **Public Bidding of In-House Projects**

Some counties and cities have the capacity to complete public improvement projects in-house that cost over the threshold amount for competitive bids or quotations. The Iowa Code requires that all county projects over \$94,000 must obtain public quotations, and county projects must be put out for public bid if a horizontal project is over \$91,000 or a vertical project is over \$100,000. If a county intends to complete a public improvement project in-house, the public bidding and quotation processes waste the time and resources of both the county and any private companies that submit a bid or quotation on the project. ISAC supports adding an exemption from the public bidding and quotation requirements of Iowa Code §§26.3 and 26.14 for local governments that have projects over the applicable threshold amounts that will be completed by in-house staff, in order to eliminate this inefficient use of local tax resources.

## **Public Sector Collective Bargaining**

During the 2008 legislative session, legislation was vetoed which adopted broad language regarding the mandatory subjects of bargaining (“wages, hours and other terms and conditions of employment”), expanded the current list of the mandatory subjects of bargaining, changed the definition of “employee organization,” and made other changes that would have had a significant fiscal and operational impact on local governments. In 2012, legislation was introduced to repeal public employees’ collective bargaining altogether. ISAC supports the current Public Employment Relations Act and opposes changes to the current law that would shift the balance significantly in either direction. ISAC would support a careful review and study of the current law and an open process to make any necessary revisions.

## **Retaining the Compensation Board**

After years of unfair and discriminatory methods of setting the compensation for elected county officials, the Legislature enacted a law that is fair to the elected officers and to the public. The present law, which allows seven county taxpayers to review and set the compensation for elected officials with a built-in veto remedy by county supervisors, provides the proper checks and balances for the protection of the public and for fair and equitable treatment of elected officials.

## **Support for County E-Government Services and Issues**

Leadership at all levels of government should support and encourage open communication standards which will allow access to data and information regardless of the hardware or software platform. ISAC encourages transparent integration of e-government services at every level of government, while still respecting the boundaries and philosophies of policy makers and leveraging the capabilities of and investment in existing systems and infrastructure. Open communication standards will promote new and creative ways to use the services currently available and make delivery and integration of new services easier and more cost effective. Open communication standards offer pioneering agencies the freedom to choose appropriate support hardware, software, and service providers while maintaining connectivity with others. ISAC urges the Legislature to continue supporting counties in their endeavors to provide services electronically, and encourages public/private partnerships.

## **Townships and Township Trustees**

There have been ongoing discussions of the role that townships and township trustees play in Iowa’s governmental system. It is important for local government to be as efficient and streamlined as possible. County officials realize that townships deliver needed services to Iowa’s rural citizens, a fact often overlooked by critics. Therefore, any discussion of eliminating township government should include representatives of counties, including auditors, and other units of local government.

# Policy Statements . Environment and Public Health

## **Energy Resources**

ISAC supports Iowa's agricultural producers, educational institutions and industries in the research, development and use of renewable fuels, such as E85 and biodiesel, and alternative energy resources, such as wind power and geothermal. Increasing the supply and quality of environmentally friendly renewable fuels and alternative energy resources will boost local industry and economic growth, reduce harmful emissions, provide a less costly fuel energy supply and reduce dependence on foreign oil. This must be accomplished in a manner that weighs the benefits achieved against the local environmental impacts of such production. It is in the best long-term interest of the taxpayer for local governments to develop the capacity to conserve energy through improved practices in technology. ISAC supports providing state and federal grants and other funding to assist counties in this effort.

## **Fluoridation**

ISAC supports water fluoridation at concentrations recommended by the Centers for Disease Control and Prevention as the most economical and effective means to control the major public health problem of tooth decay.

## **Indemnity Fund**

The indemnity fund established to pay for cleanup of abandoned confined animal feeding operations (CAFOs) by local governments should be left intact and not be subjected to use for any other purpose unrelated to abandoned CAFOs. Many buildings are reaching the age at which they are likely to be abandoned, making this issue more urgent.

## **Lead-Based Paint Poisoning**

The childhood lead poisoning rate in Iowa is more than four times the national average. All homes built prior to 1978 are likely to contain lead-based paint (Iowa ranks in the top six states with the oldest housing stock), and lead-based paint hazards are the leading cause of childhood lead poisoning. While estimates of the cost of remediation range from \$12,000-\$20,000 per home, funding to remediate lead hazards is minimal or non-existent in most Iowa communities. It is for these reasons that ISAC supports both state and federal increases in funding for regional Childhood Lead Poisoning Prevention programs, community development block grant rehabilitation programs, and other programs related to reducing the lead poisoning rate in Iowa. It is imperative that our national leaders be informed and educated on the importance of funding small towns and rural communities so that federal housing and urban development lead hazard control assistance is awarded equitably across the country.

## **Local Public Health Funding**

Funding for local public health programs is inadequate and limits the ability of local public health departments to meet the increasing needs for services. It is essential that our local health departments are sufficiently funded to assess and address local public health priorities, prevent the spread of communicable disease, provide appropriate care to Iowa's aging population, deliver needed health care to uninsured or underinsured children and their families, and assure staff are equipped and prepared to respond to all public health crises. The local public health service grant funding designated for local public health infrastructure, community needs assessment, disease prevention, and nursing and environmental health should be restored to the FY 2000 level of funding (as adjusted for inflation) and should allow for more flexibility for boards of health to address local health priorities.

## **Maintenance of Public Health Laws and Regulations**

Public health laws and regulations are intended to protect the health of all Iowans. Such laws and regulations, therefore, must be based on sound scientific principles. State and local boards of health are established to provide unbiased direction on important matters of public health. Proposals to change public health protections in the law should be in response to new evidence based on sound scientific principles of disease prevention and environmental protection. Policy changes should be accompanied by an assessment from the State Board of Health and organizations representing local public health agencies. Public health policy changes should undergo a thorough review by those charged with implementing the policies.

## **Manure Management Plans**

ISAC supports the electronic submission of manure management plans and annual updates required by the Department of Natural Resources (DNR). Response to the ever-increasing demand for information pertaining to confinement feeding operations in Iowa would be enhanced by the use of digital technology at both the state and local levels of government. In addition, ISAC supports expanding DNR's oversight and monitoring capabilities related to manure management.



# Policy Statements . Environment and Public Health

## **Master Matrix and Livestock Feeding Setback**

It has become apparent that there are some lands that are not adequately protected by current setback requirements for confinement feeding operations. In addition, some loopholes allow these operations to bypass intended setback distances from homes and public use areas. The legislature should address deficiencies in the master matrix. At minimum, legislation should:

- direct the Department of Natural Resources (DNR) to review the master matrix program with input from ISAC and the Iowa State Association of County Supervisors, among other stakeholders, to determine if separation distances are adequate to protect human health, the environment, property values, and community quality of life;
- afford county- and city-owned wetlands the same special setback protections as state- and federally-owned “designated wetlands,” as found in Iowa Code §459.102(21);
- designate waterfowl production areas, whether managed by DNR or not, as “public use areas” for applying setbacks; and
- amend Iowa Code §459.205(1) so that it reads as follows: “A confinement feeding operation structure, if the structure is part of a confinement feeding operation which qualifies as a small animal feeding operation. However, this subsection shall not apply to the following: a) If the confinement feeding operation structure is an unformed manure storage structure; b) If the small animal feeding operation is no longer a small animal feeding operation due to common ownership or management of an adjacent confinement feeding operation as provided in Iowa Code §459. 201.”

## **Radon**

Radon is a cancer-causing natural radioactive gas that you cannot see, smell or taste. It is the leading cause of lung cancer among non-smokers and the second-leading cause of lung cancer overall. It is responsible for about 21,000 deaths every year in the U.S. The EPA estimates that long-term exposure to radon potentially causes approximately 400 deaths each year in Iowa. Based on data collected from radon home tests, the Iowa Department of Public Health estimates that as many as 50%-70% of homes across Iowa have elevated radon levels where remediation is recommended. ISAC supports requiring a time-of-transfer radon test in all homes and the installation of a radon resistant system in all new homes.

## **Raw Milk**

Raw milk accounts for approximately 1%-3% of all milk sales in the United States while it is responsible for 97%-99% of all milk-related outbreaks of food-borne illness. According to the Centers for Disease Control outbreaks related to raw milk occur 150 times more often than outbreaks associated with pasteurized milk. Pasteurization is the process of heating raw milk to 161° F for 20 seconds to kill any disease-causing bacteria that may be present to prevent illness, especially in children. The Legislature should continue to firmly support pasteurization of milk to protect the health of its citizens.

## **Regional Local Health Services Incentives**

Most of Iowa’s 99 counties are rural in nature with small populations and limited resources. In order to address the delivery of public health services in an efficient manner, regional collaborations and sharing of resources have been encouraged to take advantage of economies of scale. However, regional efforts require a lead agency to take charge. When these arrangements occur, the lead agency puts its local resources at risk beyond the boundaries of its original jurisdiction. State leaders need to provide the resources to assure that lead agencies will not risk local resources in order to assure the delivery of public health services on a regional basis.

## **Surface Water Quality**

Increased pollution and water run-off leads to contamination of lakes and streams. This can cause illness. Public waters should be periodically tested in order to protect public health and safety. The source of pollution needs to be found and the affected beaches need to be posted appropriately, and when cleaned up, posted as such. Cooperation between the Iowa Department of Natural Resources and local health and conservation entities needs to continue.

## **Tobacco**

ISAC supports efforts to curb the use of tobacco and tobacco products in order to address the long-term health costs created by the use of these products. Strategies to address this include banning smoking in casinos and banning tobacco products including dissolvable tobacco products.

# Policy Statements . Environment and Public Health

## **Unsewered Community Revolving Loan Fund**

More than 500 small communities in the state are considered to be “unsewered” or “undersewered.” Most of these communities either have inadequate centralized waste collection and treatment systems or a collection of private systems that may not be adequate to meet the needs of the community. Many of these small systems or collections of systems illegally discharge untreated human waste. Most of the unsewered communities are incorporated towns of less than 500 persons, unincorporated villages under county control, or pockets of small subdivisions scattered throughout a county. In 2009, HF 468 created the unsewered community revolving loan fund program to provide no-interest loans for the purpose of installing sewage disposal systems in small cities and unincorporated subdivisions. ISAC supports funding this program with a combination of state and federal money.

## **Zoning and Subdivision Wastewater System Review**

Many subdivisions in Iowa have inadequate sewer systems. Existing subdivisions were built without provisions for future on-site wastewater treatment and disposal needs. This lack of planning has caused financial hardship for some homeowners when the conventional systems prove inadequate and more expensive alternatives are required. Current zoning and subdivision regulations do not require that subdivision plans be reviewed or approved by the local board of health or its representative. By failing to require coordination with the entity that must develop and approve on-site wastewater treatment and disposal systems, developers may plat the property with inadequate lot sizes and fail to account for the needs of future waste disposal in the subdivision. ISAC supports legislation requiring preliminary and final plats for residential developments to be reviewed by the local board of health or county sanitarian prior to approval by the zoning commission and the governing body.

# Policy Statements . Human Services

## **Advance Psychiatric Directives**

ISAC supports legislation that gives advance psychiatric directives the same recognition as a durable power of attorney. Advance directives can ensure treatment without having to use intervention of the courts through the civil commitment process. However, while the similar durable power of attorney is readily accepted for somatic care, advance psychiatric directives are not generally recognized in Iowa.

## **Appeals Process**

ISAC supports amending Iowa Code Chapter 17A to reflect that any non-Medicaid appeal heard and ruled on by an administrative law judge cannot be overturned by the Department of Human Services (DHS) director. Except for cases involving contested legal settlement, the state appeals process allows the DHS director to override an administrative law judge decision, which is not consistent with the Attorney General's interpretation of *Salcido v. Woodbury* that boards of supervisors cannot be included in the county's appeal process.

## **Children's Services**

ISAC supports improvements in children's services to better meet the needs of children and families. The current child welfare, juvenile justice, and children's mental health waiver systems are not meeting the needs of children with mental health problems and their families. This is shown by an increase in the number of inappropriate mental health commitments of minors and the number of costly out-of-state placements.

## **Court-Related Expenses**

### *Rule 2.2 Commitments*

ISAC supports the development and state funding of specialized forensic programs to treat and supervise individuals found not guilty by reason of insanity (Rule 2.2). Individuals found not guilty by Rule 2.2 are currently inappropriately placed in the mental health system when they need specialized forensic treatment and supervision.

### *Chapter 812 Commitments*

ISAC supports legislation to revise Iowa Code Chapter 812 to clarify that the cost of evaluation and restoration of competence to stand trial under the provisions of that chapter is a state funding responsibility in cases where the defendants are unable to pay.

## **Department of Corrections**

ISAC supports clarifying that the cost of treatment ordered by the criminal court is a state funding responsibility. The Department of Corrections and the Department of Correctional Services are statutorily responsible for treating persons in their custody who need mental health, developmental disability, or substance abuse services.

## **Mental Health and Substance Abuse Parity**

ISAC urges the Legislature to expand the insurance parity law to cover all mental health diagnoses and substance abuse treatment, including prescription drugs.

## **MH/DS System Improvement**

ISAC supports a Mental Health and Disability Services (MH/DS) system based on the concepts of consumer-driven services provided in the community. It is ISAC's position that any system redesign must be adequately funded, including necessary funding for additional county services or administrative costs, so that no existing class of consumer would have to give up services in order to finance system change.

## **Substance Abuse Treatment**

ISAC supports the appropriation of sufficient state funds to the Iowa Department of Public Health to make services available for evaluation, medical and social detoxification, and prescribed outpatient, residential or inpatient treatment, including treatment at Mental Health Institutes, for Iowans in need of substance abuse treatment, whether voluntary or involuntary.

# Policy Statements . Human Services

## **Treatment for Co-occurring Mental Illness and Substance Abuse**

ISAC supports the development and funding of an evidence-based, integrated approach for the treatment of persons with co-occurring mental illness and substance abuse disorders.

## **Uniform Cost Report**

ISAC supports implementation of a uniform provider cost report which utilizes County Rate Information System (CRIS) principles, such as including all provider revenues and costs on one report for a specific service regardless of service funding stream. Adopting uniform cost centers and standardizing the definitions of costs will assist providers, counties, and the Department of Human Services in understanding and defining the cost-of-service provision. Additionally, to assist in ensuring appropriate reimbursement for services, ISAC supports the CRIS principle of defining the number of full-time employees used to provide a service.

# Policy Statements . Land Use and Rural Affairs

## **Conservation**

Both federal and state governments need to prioritize funding for the maintenance and upgrading of existing conservation infrastructure with emphasis on flood control structures.

## **Drainage District Ditches**

Currently, state regulations provide an exemption that allows drainage district ditches to be maintained (cleaned out) without obtaining a permit from the Department of Natural Resources (DNR). The Environmental Protection Agency regional office in Kansas City has asked that the state Environmental Protection Commission remove this exemption, stating that it is “inconsistent with the provisions of the Clean Water Act.” Requiring a permit from the DNR for every drainage district ditch maintenance project would be unnecessary, costly, and time consuming. ISAC supports retaining the current exemption.

## **Flood Plain Management Policy**

ISAC supports working with local, state and federal government agencies to fund efforts to accurately map all flood hazard areas in the state through the use of hydrologic models or other means that will determine future flood elevations and assist the state in the development of a plan to prevent future flood occurrences. The plan should provide for:

- Funding to support more accurate and updated Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway maps. The new maps should use a maximum of two-foot interval elevations. Light Detection and Ranging (LiDAR) or hydrological studies should be used to assist counties and cities in identifying and delineating flood-prone and floodway areas. The new maps that are adopted by the state and local municipalities must be recognized by the Federal Emergency Management Agency as the legal floodplain and floodway maps.
- Funding and technical assistance in obtaining 100-year and 500-year elevations for all FIRM maps to assist homeowners, insurance agencies and zoning officials in identifying safe areas and elevations for building.
- Funding to counties and cities to relocate structures in floodway areas and areas of severe and highly repetitive flooding, and the development of low-impact uses in these areas, such as parks and recreation facilities.
- Requiring a county floodplain ordinance that orders detailed hydrologic and hydraulic studies and that has guidelines for when and where these studies are needed prior to construction. The ordinance should require the property owner or developer to show the up- and downstream effects of filling or development on existing buildings and infrastructure. It should also provide statewide penalties for noncompliance. The ordinance should serve as the state standard that a county or city must adopt, while allowing the city or county to adopt a stricter version.
- Statewide solutions, including standards for watershed management, that will mitigate the effects of filling or developing in a floodplain area.
- Technical assistance to counties and cities that currently do not have trained staff to administer floodplain management ordinances or watershed management requirements.
- Reviewing, updating and developing additional statewide protocols, through Homeland Security, National Resources Conservation Services, the Department of Natural Resources (DNR) and the Army Corps of Engineers, for cities and counties to follow before, during and after flooding to provide the maximum protection to the public.
- Identification and acquisition, through easements or other means, of environmentally sensitive land by the DNR or other conservation agency.
- Funding and technical assistance to utilize urban and rural best management practices in the design, construction and maintenance of projects that increase filtration of storm water, reduce water runoff and collect and hold runoff in upstream drainage areas.

## **Funding for the Environment First Fund**

Gambling revenues finance the Environment First Fund. The fund contains many programs of importance, including the agriculture drainage well closure program, the Resource Enhancement and Protection (REAP) program, the conservation reserve enhancement program, the watershed protection program, the conservation cost share program, the conservation buffers, and other important water protection programs. The Legislature should fully fund the programs in the Environment First Fund. These funds are essential in assisting landowners to complete soil conservation and water quality improvement practices throughout Iowa.

# Policy Statements . Land Use and Rural Affairs

## **Grants to Counties Program**

The Department of Public Health's (DPH) Grants to Counties program provides funds to county environmental health agencies for well testing, plugging, and rehabilitation. The funds for the program come from a tax on pesticides and amount to approximately \$1.7 million annually. At one time participating counties received as much as \$30,000 annually due to a surplus that was divided equally. This allowed counties to test and rehabilitate wells and to plug abandoned wells at a significant rate in order to protect groundwater resources. In FY 2012 participating counties will only receive approximately \$20,408. Abandoned wells are still prominent across Iowa and present a serious threat to groundwater quality. The Legislature should continue to provide authority to the DPH to reallocate unused funds to counties needing additional funds for the Grants to Counties program.

## **IDNR Regulations**

ISAC supports the ongoing efforts to protect Iowa's waters from pollution. However, as the Iowa Department of Natural Resources (IDNR) implements federal environmental law, it is important to consider the cost versus the benefit of implementing standards that are more stringent than the federal law. ISAC has raised concerns about IDNR regulations related to landfill liners and anti-degradation in regard to the cost implications for local government.

## **Limiting Additional Exemptions to County Zoning**

Several attempts have been made to expand the types of uses that would qualify for exemptions to county zoning regulations. Creating a laundry list of exempt land uses undermines the basic intent of county planning and zoning, weakens local home rule authority, and sends a signal that local public policy can be undermined by special interest groups. ISAC opposes attempts to expand the types of land uses exempt from county zoning.

## **Natural Resources and Outdoor Recreation Trust Fund**

ISAC supports the funding of the Natural Resources and Outdoor Recreation Trust Fund as a permanent funding source for improving Iowa's natural resources.

## **Rural Development**

In order to restore and sustain rural viability in Iowa, six important issues should be considered by lawmakers.

### *Renewable Energy Development*

On-site renewable energy generation can provide significant rural development opportunities to the generator and the public through personal and community energy independence, relief from high prices, increased property values, reduced pressure on the local energy grid, and diversification of the state's energy supply with a clean alternative. ISAC supports legislation that will result in an improved political, regulatory, and financial environment for this type of rural development.

### *Health Care*

Efforts should continue to be made by state and local governments, non-profit advocacy groups, and commercial interests to keep and attract new mental health, medical and health care professionals in rural Iowa. Current college tuition reimbursement programs to assist doctors who decide to practice in rural Iowa should be expanded to include dentists, mental health professionals, and health care professionals.

### *Housing*

Rural Iowa cannot experience a revival until people know that affordable housing, new or existing, for low- to moderate-income families is available. The Iowa Enterprise Zone is an excellent program, but under existing law it does not work efficiently for the rural counties. The Enterprise Zone program needs to be changed to allow rural counties to cross "enterprise zones" for the purpose of constructing four or more speculation houses. Assisted living is also a key to the revival of rural Iowa, and additional state support is needed in this area. A partnership should be established between counties, cities and the state to create a housing trust fund.

### *Rural Firefighter and Emergency Personnel Training*

With the aging of the rural population, fewer younger men and women are available to staff volunteer emergency services. Local, state and federal governments must strive to provide training and incentives for assorted emergency and public safety personnel in under-served rural areas.



# Policy Statements . Land Use and Rural Affairs

## *Water and Wastewater Programs*

The quality of both groundwater and surface water affects public health, community economic development and the attractiveness of Iowa as a place to live. Iowa's municipal water systems and rural water districts work to maintain quality drinking water for thousands of people. Water availability depends on aging water infrastructure, and water quality is affected by the way waste water is handled. County public health programs have a responsibility to ensure the installation and maintenance of adequate septic systems. Towns, housing developments, and rural villages with inadequate systems may be required to install modern, central wastewater systems or updated septic systems for individual dwellings. Practical regulations and adequate funding are necessary to assure these systems are affordable and meet the needs of the community, thereby furthering a continued high degree of confidence in Iowa's water quality.

## *Broadband Internet Access for Rural Iowans*

High-speed broadband Internet service is not readily available in many parts of rural Iowa. Broadband access is required to grow existing and to attract new business and industry. It would also give schools, community colleges and libraries better access to information and provide better communications. In addition, while e-government and e-commerce are gaining momentum, the infrastructure required to sustain their momentum is severely lacking. Iowa must invest in the infrastructure necessary to achieve the goal of 99.95% accessibility to broadband in all areas of the state, giving rural counties and their citizens access to the Internet at the same level as more densely populated areas.

## **Sale of Public Lands**

Iowa is ranked 49<sup>th</sup> among the other states in the percentage of public land available to its citizens. The loss of public lands reduces outdoor recreation opportunities, water quality, and protection of natural resources, all of which are of great importance to Iowans. Equally important are the jobs associated with public lands – jobs that are labor-intensive and vital to rural Iowa, including rural energy development and watershed management. In addition, when people travel to recreate on public lands, they spend money in neighboring towns, which are generally rural communities that depend on this income. According to the Iowa Department of Natural Resources, hunters, anglers and wildlife viewers spend \$974,000,000 annually in retail sales in Iowa, creating and supporting more than 17,800 jobs and providing a total economic benefit of \$1.54 billion. Each acre of public wildlife area generates \$402 annually in economic activity. Good stewardship of public lands provides tremendous public health and social benefits as well. ISAC opposes mandates requiring the sale of public lands.

# Policy Statements . Public Safety

## **Byrne Grants**

ISAC supports continued federal funding of Byrne Grants, which support many local drug enforcement task forces and replace the need for state funds. If Byrne Grant funding declines, counties will be more reliant on state funding.

## **County Jails**

### *Sentencing Options*

Relying on county jails to address the state prison system's space problem leads to jail overcrowding, increased liability exposure, and more demands on property taxpayers. ISAC opposes legislation that would increase the county jail population unless the state pays any additional costs to counties. ISAC supports the judicious use of sentencing alternatives and the expansion of state residential and correctional facilities to house state prisoners.

### *Privatization*

Management of county jails should not be turned over to private contractors. Instead, counties and sheriffs should continue efforts to professionalize county jail operations in this state. It is acceptable for a private contractor to build a jail and lease it to the county as long as the jail continues to be run by the county sheriff and staffed by county personnel.

### *Multi-County Jails*

Counties throughout Iowa are facing a dilemma: old jails need to be replaced, but the property tax base isn't large enough to support new ones. Many of these counties are considering the possibility of a multi-county jail, but there is no statewide program to encourage the planning, development, and operation of such jails. The General Assembly should adopt legislation that includes the following components:

- a state-level, multi-county jail board including representatives of ISAC and the Iowa State Sheriffs' and Deputies' Association;
- a process for counties to create a multi-county jail commission to operate a multi-county jail;
- a state multi-county jail fund for grants and loans;
- a process for applying for grants and loans; and
- a state appropriation for multi-county jails.

Multi-county jails should be under the control of the sheriffs of the counties served.

## **Court System Access**

ISAC supports funding for the Iowa Judicial System that is adequate for the courts to successfully deliver vital services. Access, accountability and affordability should be the key considerations in the development of any service-delivery system. ISAC supports increasing the use of technology to provide access to the courts.

## **E911 Enhancements**

Receiving emergency calls from the public is a vital component of public safety communication. Continual change in communication methods (texting, voice-over-IP, etc.) requires that public safety communications technologies evolve to keep pace. With the decline in the use of wired phone services and the growth of cellular/internet services there is a need to pursue methods/sources to generate funds sufficient to support the evolution of the Enhanced-911 (E911) infrastructure.

## **Homeland Security**

Iowa has many homeland security vulnerabilities that require coordination among the local emergency response community, elected officials, public safety officers, state agencies, federal agencies, public health, and private industry. Local first responders should be a primary resource for the development of homeland security planning and funding priorities. Sustainable homeland security funding should be utilized to build specific capabilities, protect responders, reduce vulnerabilities, and ensure that Iowans receive the highest level of protection possible. ISAC supports legislative efforts to foster cooperative planning, specialized training, and coordinated response to acts of terror and natural disasters.



# Policy Statements . Public Safety

## **Interoperability**

The communication systems of each local, state and federal agency do not inherently communicate with each other. There are various frequencies, manufacturers, and technologies involved that are incompatible. The public expects and government should provide communications interoperability in Iowa to better protect people and property throughout the state. Any interoperability solution from the state needs to recognize that many proactive counties have already made large financial investments in communications equipment that could be made obsolete, depending on the state's approach. In addition, any statewide approach to interoperability needs to include adequate state funding. This large expense should not be put on local governments.

## **Iowa Law Enforcement Academy**

The Iowa Law Enforcement Academy (ILEA) at Camp Dodge has not seen significant improvements for many years. It has become too cramped, and local governments are now being charged additional fees for use of the ILEA weapons training range, which is also being used more by the federal guard personnel. County sheriffs' offices rely upon the ILEA to provide comprehensive training for their officers. Consistency in the training of officers is critical to their ability to safely serve their communities. The strength of a quality law enforcement training program lies in an up-to-date and consistent curriculum, ample and well-qualified trainers, and appropriate facilities, technologies and training fields. ISAC supports a feasibility study to properly identify the needs for an enhancement at ILEA. ISAC supports the study of various facility options, including a joint public safety training facility that could house fire safety, law enforcement, and emergency management under one roof, as long as the law enforcement curriculum and training program is kept intact. Proper training grounds for firearms training and pursuit driving as well as adequate dormitories must be available. These overdue improvements are needed to provide a quality training program that is consistent, accessible, and affordable for sheriff's departments across Iowa.

## **IPERS Status for Emergency Management Directors**

The responsibilities of Emergency Management Directors have evolved over the years. Emergency Management Directors are often required to be in the danger zone during emergencies. There are several examples of directors who have been seriously injured in the line of duty. This can end careers prematurely and even shorten life spans. Because of this, ISAC favors extending the Iowa Public Employees' Retirement System (IPERS) protected occupation status to Emergency Management Directors.

## **Jail Capacity Issues**

ISAC opposes any proposal to impose a statewide moratorium on the building of jails. Local elected officials and local voters should decide if a new jail is needed in their county.

## **Juveniles and Law Enforcement**

State funding limitations and caps on out-of-home placements of juveniles, children in need of assistance, and juvenile delinquents have resulted in the denial of timely placement and necessary treatment and remedial programming for children. This, in turn, has resulted in increased costs to counties for detention placements and increased risk of harm to children and public safety officials. Iowa needs more capacity in the child welfare system in order to provide the immediate, meaningful consequences that help fight juvenile crime. The Legislature needs to increase the number of residential placements available for youthful offenders. Youth are housed in county juvenile detention facilities for months, at a cost that may exceed \$165.00 per day plus medical costs, waiting for group home placements. Juvenile justice is a continuum, with programming including community prevention programs, school-based programs, adult court, and the state training schools. The Iowa Legislature must increase support for these programs to keep pace with the increases in juvenile crime, and support the child welfare system so appropriate alternatives are available for children in need of assistance.

# Policy Statements . Public Safety

## **Meeting Iowa's Correctional Needs**

The Legislature needs to consider less expensive, more innovative alternatives to prison.

### *Prisons*

If Iowa is going to be tough on crime, there must be adequate correctional beds to hold those who need to be separated from the community at large. ISAC supports the state adding more correctional capacity as necessary to house dangerous and violent inmates.

### *Community Corrections*

There is a significant shortage of community correction beds that can be used to reduce the demand for prison beds. ISAC supports the adequate funding of Iowa's current system of community-based corrections in order to provide a comprehensive range of sentencing alternatives and to ensure the statewide availability of community-based programs.

Regarding community-based corrections and treatment programs, the state needs to:

- expand community-based corrections with an emphasis on eliminating the "log jam" of inmates waiting in prison for community placement;
- safely increase the parole rate by providing education, job training, and mental health, substance abuse, and sex offender treatment while inmates are in prison. These programs help make changes in offender behavior that result in safer communities and fewer parole revocations, significantly decreasing the prison population;
- expand alternative sanctions, such as drug courts, to divert offenders from entering prison and to ensure statewide access to alternative sanctions and community-based corrections; and
- increase probation and parole supervision to reduce revocation rates and the prison population.

## **Permits to Carry Concealed Weapons**

ISAC supports the Iowa State Sheriffs' and Deputies' Association's efforts to address the public safety concerns presented by some provisions of Iowa's weapons carry permit law, including clarification of "open" versus "concealed" carry, the lack of firearms qualifications for new permit applicants, and the ability to carry in public while consuming alcohol.

## **Reducing the Cost of Probation Violators in County Jails**

Rather than being sent to prison, probation violators under the control of the Department of Corrections (DOC) are sentenced to county jail. Sometimes they end up in jail due only to the probation violation, but in many cases they also have another charge. Under current Iowa law, the DOC reimburses counties for housing parole violators but is not required to reimburse counties for probation violators. Therefore, the state moves parole violators in and out of the jails in seven to 10 days on average, while probation violators remain in jail on average six to eight weeks and in many cases for months. Local taxpayers are responsible for this increasing cost to counties. As the state assesses prison capacity and criminal sentencing, it must consider the housing of an increasing number of parole and probation violators in county jails, thus driving up costs to local taxpayers. ISAC supports two options to ease jail crowding and the significant costs to counties: 1) identify a state facility to house probation violators; or 2) reimburse counties for probation violators, just like it does for parole violators, if the probation violator has been in the county jail for more than seven days. If a prisoner is in county jail on a probation violation and another charge, the state should share the cost of housing the prisoner equally with the county.

## **Sheriff as an Elective Office**

The sheriff's jurisdiction covers the entire county, including all municipalities and townships. As the executive law enforcement officer of the county, the sheriff's duty is to make sure that those who violate the law are arrested, so that they may be availed of a fair trial, and, if convicted, appropriately punished. The sheriff is charged by the people to assess public safety needs and act accordingly within the law. The sheriff owes allegiance and accountability directly to the people. To remove the sheriff's office from the elective arena would be to deprive the citizenry of the right to select a person to preserve the peace and protect them against vice and crime. Accordingly, ISAC supports maintaining the sheriff as an elective office.

# Policy Statements . Public Safety

## **State Funding for Emergency Management**

While the state of Iowa places many requirements upon local emergency management, it pays nothing toward the preparedness planning, training and exercise drilling at the county level. These duties performed by county emergency management coordinators help to protect the state welfare and economy. In addition to local funding options, there needs to be a state appropriation to county emergency management agencies in order to help meet the present-day challenges of preparedness. Assistance is needed to cover the cost of all hazards planning, training, exercising, equipment, and personnel, all of which are similar to the limited federal emergency management performance grant program. Requirements for receiving state funds should not exceed current requirements set forth in both the Iowa Code and the Iowa Administrative Code.

## **State Reimbursement for State Prisoners**

Property taxpayers in Iowa spend more than \$130 million annually holding inmates in county jails. In recent years, the Department of Corrections has been holding more alleged violators of parole, work release, and OWI within the prison system rather than in county jails, which has decreased the number of claims. The county confinement line item in the state budget has remained fairly constant and this needs to continue.

## **Streamlining the Involuntary Commitment Process**

Involuntary commitment of Iowans for substance abuse and mental illness is increasing in Iowa. Law enforcement, courts and hospitals are struggling to manage this growing problem. While the demand for long-term mental health beds has leveled or decreased, the need for evaluation, transitional and/or detoxification beds is on the rise. Court-ordered release of committed patients without law enforcement notification directly impacts public safety. Also, transporting and awaiting admittance for individuals being involuntarily committed takes law officers away from other public safety duties in the county. ISAC supports efforts to bring various stakeholders together to revamp Iowa's commitment law to address these and other issues.

## **Storm Shelters**

Many Iowans live in housing situations, including mobile and manufactured homes, which offer little protection from tornadoes and severe storms. ISAC supports legislation that would encourage the construction of Federal Emergency Management Agency (FEMA) standard storm shelters as part of a comprehensive prevention strategy aimed at reducing the loss of life associated with tornadoes and severe storms. This legislation could include tax incentives, such as tax credits or refunds, a multi-year phase-in of the law, or even a small amount of state-funded grants for the construction of FEMA standard storm shelters.

# Policy Statements . Taxation and Finance

## **Essential County Purpose**

Iowa law requires counties to provide and maintain space for the state-run court system. Building projects over a certain threshold depending on the size of the county must be approved by referendum with 60% of the voters as general county purpose bonds. ISAC supports increasing the cap for county buildings considered as essential county purpose (Iowa Code §331.441(2)(b)(5)), and making court-related building projects, including relocation of county offices to allow for adequate court space, an essential county purpose.

## **Funding of State Mandates**

County budgets are becoming increasingly burdened with the costs of current and new state mandates. Depending on how a mandate is defined, one-third to two-thirds of each county's budget is consumed by various state-mandated functions. This increases the reliance on a regressive form of taxation - the property tax. Current legislation prohibiting unfunded mandates (Iowa Code Chapter 25B) has been less than effective because of exceptions written into various new laws. Any service mandated by state legislation or administrative action should be fully funded by the state to cover all costs of the mandate.

## **Low-income Elderly and Disabled Credit**

Iowa law allows a state-paid property tax credit of up to \$1,000 for low-income elderly and disabled persons. Because funding reductions to this program greatly impact the people who can least afford to pay more taxes, while only saving the state of Iowa a relatively small amount of money, this program should be fully funded.

## **Preservation of County Services**

Counties provide necessary services and meet ever-increasing state mandates through property tax revenues. State funding for roads and mental health services falls far short of the needs. Annually, adequate state support for local public health, the Environment First Fund, the Resource Enhancement and Protection (REAP) program, and emergency management are areas of concern for counties. In addition, the courts, local law enforcement, and county jails are enterprises that are funded with both state and local dollars. As the state determines how to manage its funding priorities, the legislature must understand that funding taken from local government will result either in significant cuts in services or in increased property taxes. Property tax credits represent a major issue. When the state reduces funding for property tax credits, but maintains the credit to the taxpayer, counties must raise property taxes to generate the difference. In essence, property tax payers fund their own credits. In addition, a disproportionate part of this increase is borne by commercial property owners – the very group the state has been focusing on for property tax relief. Adequate funding for the programs that counties provide is critical. Property tax credits in particular need to be funded at a level similar to FY 2012 and counties must be given the ability to adjust their levies if mental health property tax relief continues to be cut.

## **Tax Increment Financing**

ISAC sees the value of tax increment financing (TIF) in arresting decline and promoting growth in Iowa communities, but occasional extreme interpretations of TIF authority have led to a variety of concerns: residential property can be included in broadly defined "economic development" areas, sometimes covering entire cities; debt is reported annually in a way that masks its full amount; there is no limit to the percentage of total valuation in a city or county that may be dedicated to TIF; TIF projects can give an unfair advantage to businesses that have competing businesses nearby; and many TIF areas created before 1995 can be extended in perpetuity. Addressing these issues can mitigate budgeting difficulties for individual communities, unfair tax consequences for other local taxing bodies, and a loss of confidence in the TIF tool among legislators and the public.

## **User Fees**

Many of the fees that local governments assess are governed by the Iowa Code and, over time, fail to compensate for the cost of the service. The shortfall is paid for by the local property tax payer. Examples of this include driver's license fees, e-commerce fees, food code license fees, and boat license fees. ISAC supports transferring these and other user fees into the Iowa Administrative Code with a periodic agency analysis of the need for fee increases.

# Policy Statements . Transportation

## **Alternative Funding for County Roads**

County roads are increasingly being subjected to loads that are causing excessive damage due to changes in farming practices and the development of biofuels, wind farms and large confinement operations. County roads were not built with adequate base or surfacing to resist loads from an increasing number of trucks, large grain carts and wagons, manure tanks, agricultural floaters and construction vehicles. These larger vehicle loads are stressing county roads at a time when revenues are either flat or decreasing and material, labor and fuel costs are increasing and stressing road maintenance budgets. As vehicle fuel efficiency increases, traditional Road Use Tax Fund revenues will further decline. To address the additional road damage caused by these changes in equipment and the location of new facilities on county unpaved or lightly paved roads, ISAC supports additional revenue options that focus on recovering the cost for serving these facilities. ISAC recommends that these additional revenue options be in the form of surcharges, impact fees, or licensing fees for the location of these facilities. Examples include but are not limited to: a per head livestock fee; a per gallon liquid manure fee; a permit fee for large agricultural equipment used on county roads, similar to the agricultural floater permit; a minimal per gallon fee for each gallon of biofuel produced, similar to surtaxes on coal and other fossil fuels charged by many western states; or other use-based fees.

## **Control of County Rights-of-Way**

Present law is vague on the extent of the authority counties have to control activities within the right-of-way, such as burning, brush cleaning, and utilities placement, yet the county is often held liable for vegetation growth and obstructions or hazards found within the right-of-way. ISAC supports the right of the board of supervisors to have control over all uses of the public rights-of-way.

## **Eminent Domain**

Condemnation is used as a last resort by Iowa counties, most often to acquire land for roads that are essential for the economy of rural Iowa. ISAC opposes any attempt to weaken the county's ability to use eminent domain beyond the considerable restrictions already in place, and ISAC supports continued local control of eminent domain for use in obtaining road rights-of-way. Further, ISAC opposes any changes to eminent domain that would mandate added costs or restrictions to counties. ISAC also opposes any action that would require taking an entire parcel of land when only a limited portion is needed for road rights-of-way.

## **Flexibility of Use of TIME-21 and Other New Road Funds by Counties**

Currently, federal aid dollars have requirements tied to their use that result in extra cost for the projects involved. Increasingly, state funds are subject to similar restrictions. Local elected officials are capable of deciding how to use funds for which they are responsible. Ultimately, local elected officials are judged by the voters as to whether they are appropriately spending tax revenues. Recent floods and unusually severe winters have exacerbated existing funding shortfalls and highlight the importance of giving local officials the flexibility to adjust expenditures to address emergencies and unexpected needs. TIME-21 funds are allocated to counties with restrictions on their use. Current law allows these funds to be spent on bridges and farm-to-market construction only. Similar restrictions do not apply to the state and cities who also receive a share of these funds. Bridges and farm-to-market roads have other dedicated sources for funding. To allow counties to address their individual transportation needs, ISAC supports removing restrictions on the use of TIME-21 and other new road funds and requests that counties be allowed to use all new road funds for any secondary road purpose.

## **Increased Vehicle Weights**

Increases in allowable vehicle weight limitations cause damage to Iowa's roadways and bridges. The increases in axle weight allowances create a condition of extreme danger to Iowa's bridges and the people who cross them. ISAC opposes unreasonable increases in allowable gross vehicle weights and any increase in allowable axle weights. ISAC has supported responsible increases in truck weights and opposes the annual increased weight proclamations by the Governor.

## **Iowa Geospatial Infrastructure**

Geographic Information Systems (GIS) data is playing an increasingly important role at all levels of government. ISAC understands how critical it is to have accurate and timely GIS data. ISAC supports the collaborative efforts among multiple government agencies that are engaged in the Iowa Geospatial Infrastructure program. ISAC encourages continuing efforts toward building partnerships and the identification of funding for sustainable and integrated GIS at all levels of government.



# Policy Statements . Transportation

## **Limitation of Liability for Non-Motorized Traffic Used on Public Highways**

Liability issues surrounding individual use of county highways by bicyclists and other non-motorized road users have not been addressed by the Legislature. As expenses for highway maintenance increase faster than revenues, counties cannot afford to meet a level of road maintenance above that which is necessary or practical for motor vehicles. ISAC supports efforts to clarify that counties will incur liability only when a roadway is not maintained to a standard appropriate for motor vehicles.

## **Road Embargo Extension**

Counties need additional flexibility in managing roads under their jurisdiction to stretch limited road budgets. Currently, counties can only impose weight restrictions on a county road for 90 days. ISAC supports allowing counties to impose longer embargoes to extend the useful life of those roads.

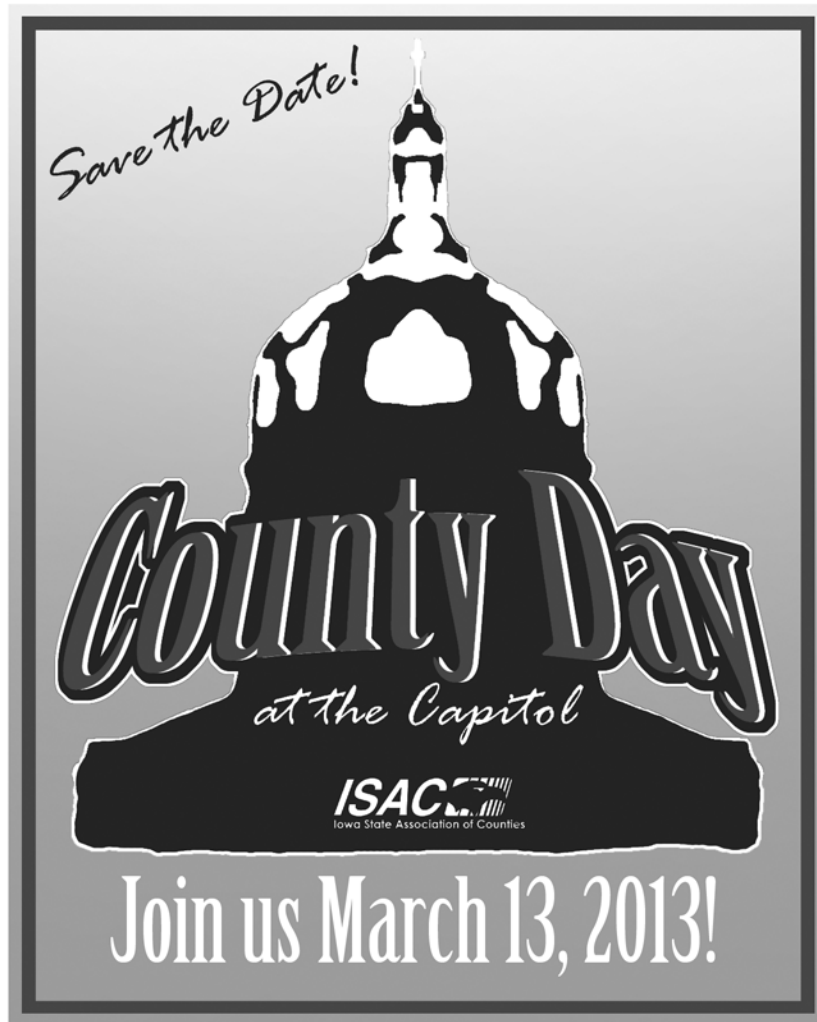
## **Road Maintenance Standards**

Current Iowa law protects municipalities from liability for winter road maintenance if the municipality has complied with its winter road maintenance policy. ISAC supports providing a similar level of liability protection for pavement maintenance of roadways. In addition, ISAC supports clearly providing that the same protections exist for counties that provide regulatory devices, signs, pavement markings and traffic control devices beyond what is required by law. In these cases of non-mandatory devices or pavement markings, ISAC supports protection from liability if the county conducts an engineering study or warrant investigation for such devices or markings which determines that the device or markings should be removed or no longer maintained and that the removal or cessation of maintenance is in accordance with the county's written policy. In addition, ISAC seeks to clarify that the definition of municipality in Iowa Code §668.10, which defines government exemptions from liability, includes counties as well as cities.

## **Road Use Tax Fund**

Current studies show that all road jurisdictions have lost substantial buying power and are facing an increasing shortfall of resources to maintain existing road and street systems. ISAC supports the current Road Use Tax Fund (RUTF) distribution formula of 47.5% to the Iowa Department of Transportation, 24.5% to the county secondary road fund, 8% to the county farm-to-market fund, and 20% to the cities. Survey data show that the distribution of vehicle miles of travel has remained constant for the past 21 years since current RUTF funding was put into place. During that time, counties and cities have been forced to assume an increasing amount of road mileage within the state. This fact should not be overlooked when deciding the distribution of any new dollars that become available to the RUTF. New dollars, beyond \$225 million generated for TIME-21, should be distributed according to the current RUTF formula. ISAC would oppose any change to the formula that would reduce the county portion.





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