

about ISAC



Mission:

To promote effective and responsible county government for the people of Iowa.

ISAC's Vision:

To be the principal, authoritative source of representation, information and services for and about county government in Iowa.

The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation. The organization was established by law on June 30, 1971, with the signing of Senate File 37. ISAC members are elected and appointed county officials from all 99 counties. ISAC is comprised of several statewide associations called affiliates. For example, all the county supervisors in the state have their own association, which is called the Iowa State Association of County Supervisors, and is cited as one of ISAC's affiliates. In total, there are 15 of these associations that are affiliated with ISAC. The main purpose of ISAC 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. Counties pay voluntary dues to belong to ISAC. In return, ISAC provides a number of services to member counties, such as training, benefit programs, education, technical assistance, and intergovernmental services.

ISAC Staff Contacts

Linda Hinton, Government Relations Manager
lhinton@iowacounties.org
515.244.7181

Nathan Bonnett, Public Policy Specialist
nbonnett@iowacounties.org
515.244.7181

Hanna De Groot, Public Policy Specialist
hdegroot@iowacounties.org
515.244.7181

Iowa State Association of Counties
501 SW 7th St., Ste. Q
Des Moines, IA 50309-4540
Phone: (515) 244-7181
Fax: (515) 244-6397
Website: www.iowacounties.org

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introduction

The ISAC policy process begins when ISAC's seven steering committees meet twice in the late summer and early fall of each year. The steering committees are: County Administration and Organization, Environment and Public Health, Human Services, Land Use and Rural Affairs, Public Safety, Taxation and Finance, and Transportation.

Each committee is made up of a cross-section of county officials named by their respective affiliate presidents. The committee chairs are appointed by the ISAC president for staggered, two-year terms. The primary goal of the steering committee process is to formulate policy direction for ISAC, as the representative of Iowa's 99 counties, through the use of policy statements and legislative objectives.

The policies and objectives adopted by each committee reflect proposals raised by the various county affiliate groups, objectives remaining from the previous year, and any other items brought to the steering committees by other organizations or individual members. Accordingly, the 2009 ISAC Policy Statements and Legislative Objectives report is based on the work of the seven steering committees.

The committee **policy statements** express long-term or continuing statements of principle important for local control, local government authority, and efficient county operation. These statements are designed to guide the Association in responding to public policy issues affecting county government.

Committee policy statements are followed by specific **legislative objectives** identified by each committee. The legislative objectives are a final compilation of problem/solution statements on specific issues of concern to each committee. ISAC will initiate each objective as a legislative bill or as an amendment to another piece of legislation. The objectives are listed in priority order in each committee section.

After the steering committees meet, each committee report is reviewed and approved by the ISAC Board of Directors. The Board then identifies a list of "top priorities" from among the proposals raised by the committees.

A special section at the beginning of this book highlights those top priorities for 2009. While the ISAC staff will work to achieve all of the legislative objectives established by the steering committees, special attention will be given to these top priorities.

Finally, the complete package (including the top priorities) is ratified at the Fall School by the entire ISAC membership.

Key Dates For the 2008 Policy Process

| | |
|-----------------------------------|--------------|
| First Steering Committee Meeting | August 21 |
| Second Steering Committee Meeting | September 25 |
| ISAC Board Approval | October 24 |
| Fall School Ratification | November 20 |

ISAC Policy Process

Step 1

Affiliates decide what policies and objectives they want for the coming year.

Step 2

Steering committees meet and discuss last year's priorities, input from affiliates, and any new ideas presented at the meeting.

Step 3

A second steering committee meeting is held to finalize the policy statements and legislative objectives and to prioritize the legislative objectives.

Step 4

Each steering committee provides its report to the ISAC Board of Directors for review and approval. The Board also determines "top priorities" for the coming year.

Step 5

The full report of policy statements and legislative objectives is put before the general membership for ratification during the Fall School of Instruction.

Step 6

The final report with identified "top priorities" is presented to the General Assembly and other interested groups.



ISAC top priorities

In addition to its longstanding support of property tax reform that stabilizes the tax base, resolves unfair discrepancies within the current tax base, improves accountability in local government budgeting processes, and imposes a reasonable limitation on property taxes while maintaining local control, ISAC supports the following:

Local Option Sales Tax TIF

In the waning hours of the 2008 session, the legislature enacted a TIF for local option sales taxes. The local option sales tax TIF (LOST-TIF) has the potential to freeze the amount of revenue counties receive from local option sales tax for up to twenty years. Currently 85 counties impose a LOST; they collectively receive over \$65 million annually in LOST revenue. LOST revenues have played an increasingly important role in county budgets over the last decade. Many important local projects, including road and bridge construction, new jails, county parks and other conservation efforts, and property tax relief, depend significantly on LOST revenue for their completion. Freezing the amount of LOST revenue counties receive will delay or eliminate those projects and will cause counties to increase property taxes to make up for the lost funding.

ISAC supports expanding the range of economic development options for Iowa's local governments. However, the LOST-TIF carries with it all the problems of the existing property-tax TIF scheme that counties have tried to fix for years. For example, under the LOST-TIF city councils have the unilateral authority to capture LOST proceeds that are currently distributed under an allocation formula that benefits all jurisdictions in the county. The LOST-TIF also allows cities to change the use of their LOST revenues without asking for voter approval, while that is not the case in the normal LOST context. This allows cities to use a bait-and-switch on their citizens. City councils could redirect the LOST revenue to be used for TIF projects, even if the citizens voted to tax themselves to pay for roads. Finally, the LOST-TIF allows increased funding for TIF projects, with no increase in accountability. The absence of effective oversight of TIF usage has led to public funds being used for questionable projects, some of which have been highlighted in various media reports in recent years. Past legislative sessions have expanded TIF reporting requirements to increase the oversight of TIF. The LOST-TIF went the opposite direction. Allowing cities to divert additional revenue to TIF projects will expand the use of TIF and the duration of TIF projects, both of which will enhance the potential for further misuse of TIF dollars.

For these reasons, ISAC seeks the repeal of the LOST-TIF enacted in 2008.

Funding of TIME 21

Maintaining and improving Iowa's roads and bridges are a vital part of continuing to grow the state's economy and every road jurisdiction is struggling to fund their portion of the road system. These funding problems have been exacerbated by last year's harsh winter and the floods during the spring and summer. TIME 21 seeks to focus \$200 mil-

lion on the priorities set by the TIME 21 study, of which partial funding was passed in 2008. For counties, eligible priorities include construction of bridges and the farm-to-market road system. The state and the cities have no similar constraints on spending TIME 21 funds. ISAC supports immediate funding of TIME 21 at the recommended \$200M level through an increase in the fuel tax, and a combination of other road related revenues including consideration of a 1% increase in the fee for new vehicle registration. Additionally, the \$200 million cap on the TIME 21 fund should be established, as was agreed to by the counties, cities, and DOT. This cap should specify that once \$200 million is reached, additional revenues shall be deposited in the Road Use Tax Fund. Finally, ISAC supports increased flexibility in how the county portion of TIME 21 revenue may be spent, including allowing for maintenance of bridges and farm-to-market roads, in addition to construction, and allowing for use on secondary roads.

Adequate Funding for Mental Health Services

In 1996 the Legislature froze the property tax contribution to MH/DD services and promised that the state would cover the increases in costs of services, including cost for new consumers. The state has not fulfilled its statutory obligation. As a result of chronic under-funding by the state, consumers are suffering the consequences. Statewide MH/MR/DD fund balances were reduced to 8.2% at the end of FY07. Counties are now levying 97% of the total statewide levy capacity, with 81 counties at the maximum allowed by law. Costs of services have increased at a much greater rate than allowable growth dollars. Counties can no longer cover funding shortfalls from the state. MH/DD budgets are in a state of crisis. Programs and services are being cut and compromised because counties cannot generate any new dollars for MH/DD services. The total statewide unused levy capacity is less than \$4 million. In addition, nearly 23% of the state population now lives in counties where new consumers are placed on waiting lists.

In addition to fully funding MH/DD allowed growth, ISAC supports legislation to allow counties the option of using the levy rate as the cap instead of the levy dollar amount without any loss of property tax relief or allowed growth. This would allow counties the option to generate additional revenue to address the rising costs of services and effectively meet the needs of persons with disabilities in their own community. Funding to maintain current services is necessary BEFORE making additional investments for system improvement.

Sex Offender Residency Law

The Iowa Sex Offender Residency Law generally says that a person who has committed a sex offense against a minor "shall not reside within 2,000 feet of an elementary or secondary school or a child care facility." Law enforcement officials, abuse prevention experts and victims all agree that the 2,000 foot residency restriction does not work. The current sex offender law is flawed because: 1) it assumes there is a correlation between where a sex offender sleeps and where a sex offender abuses; 2) it ignores that most

ISAC top priorities

offenders live just down the hall from or know their victims; 3) it does nothing to prevent a sex offender from being on school or daycare property all day long; and 4) the residency restriction has pushed offenders into “colonies,” made them list public places such as parks and interstate rest stops as residences, or caused them not to report at all, making it more difficult for law enforcement to track the worst offenders. ISAC supports replacing the current 2,000 foot residency restriction with safe zones that would prohibit sex offenders from entering areas near schools and daycares.

State Funding for Emergency Management

The disasters of 2008 highlighted the importance of local emergency management agencies and illustrated how many county emergency management coordinators have responsibilities beyond emergency management that may not be compatible during times of crisis. 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. ISAC supports a state appropriation to county emergency management agencies in order to help meet the challenges of preparedness for both man-made and natural disasters. Dollars could be used for all-hazards planning, training and exercising costs, necessary equipment costs, and personnel costs, similar to the limited federal emergency management performance grant program. Requirements for receiving these funds cannot exceed current requirements set in both the Iowa Code and the Iowa Administrative Code.

Natural Resources and Outdoor Recreation Trust Fund

Funding for critical natural and recreational resources in Iowa has historically fallen far short of well recognized needs. In recent years, Iowa has been near the bottom of all states in natural resource funding per capita. Although polling shows that most Iowans support additional state funding for natural resources, the political will to fund important programs has been lacking. A bipartisan, public/private advisory committee appointed by the Governor in 2006 submitted a report to the Governor in January of 2007 recommending the establishment of the Natural Resources and Outdoor Recreation Trust Fund funded through a portion of any future increases in sales taxes. A bipartisan interim Legislative Committee proposed the same recommendation. In 2008, the 82nd General Assembly passed SJR 2002, which reflected these recommendations. In order to change the constitution, the same resolution must pass during the 83rd General Assembly and then must be voted on by the people of Iowa. ISAC supports establishing the Natural Resources and Outdoor Recreation Trust Fund as a permanent source of funding for improving Iowa’s natural resources and to protect that funding through a constitutional amendment. ISAC supports the second passage of SJR 2002 in 2009 so that the people of Iowa can fully declare their support for sustainable natural resources funding.

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Policy Statements

Public Participation in the Legislative Process

The Iowa Legislature has made significant progress in allowing Iowa's citizens the right to provide input on legislation prior to action in legislative subcommittee and standing committees.

The joint rules of the Iowa Legislature and the rules adopted in both House and Senate should be modified to assure an opportunity for public testimony at the subcommittee and standing committee levels. Legislative items to be considered should include the bill number and a short title or description of each bill. Every bill considered by a standing committee should allow for testimony before the standing committee. Such openness is necessary for informed decision-making and is essential in a democratic government.

County Home Rule and Local Governance

In 1978, the citizens of Iowa voted by a large majority to approve the County Home Rule Amendment to the Iowa Constitution, giving counties home rule power and authority to determine local affairs and 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 hereby reaffirms its commitment to the County Home Rule Amendment and to the concept of local control over local governance issues. Furthermore, ISAC believes it is the responsibility of county officials to be the leaders in working with other governmental entities to deliver seamless and effective services to the citizens of Iowa.

Townships and Township Trustees

There have been increasing discussions of the role that townships and township trustees play in Iowa's governmental system. Critics claim that eliminating townships would cut out one whole layer of government. It is important for local government to be as efficient and streamlined as possible. However, 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 and other units of local government.

HAVA – Help America Vote Act

If additional HAVA money becomes available, Iowa should meet the required match for federal funding.

Polling Place Hours of Operations

ISAC supports the closing of polls at 8:00 pm for all elections for the following reasons:

- Iowa currently provides 14 hours of election coverage daily;

- absentee voting is steadily gaining in recognition and popularity;
- the length of the day makes it hard to recruit precinct workers; and
- the length of the day adds to the cost of the election.

State Election Administrator's Training

Election officials in Iowa recognize that the complexity and infrequency of elections create the potential for error in any jurisdiction, and that the most innocent of errors can have the most significant of consequences. ISAC believes that elections are at the core of our system of government and we depend on their proper functioning in order to reflect the will of the people.

ISAC supports the efforts of county auditors, county supervisors, and state election officials to give continued support to the State Election Administrator's Training 28E entity that certifies county election administrators and precinct election officials after proper training in various facets of the election process. ISAC asks the Legislature to fund the very modest cost of this training.

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 whom they serve. The present law, which allows seven county taxpayers to review and set the compensation for their elected officials with a built-in veto remedy by county supervisors to prevent rash or unwarranted adjustments, provides the proper checks and balances system for the protection of the public and for fair and equitable treatment of elected officials. The legislators should not abandon the balanced system set in place simply to placate special interest groups.

Local Boards

Legislation has previously been introduced giving boards of supervisors the authority to decide whether boards of health and conservation boards can hire additional employees. Currently boards of health and conservation boards are solely responsible for these types of personnel decisions. Boards of supervisors already have considerable power, since they have the authority to name the members of these boards and approve their budgets. Boards of supervisors do not need or want this additional authority. These specialized boards are in a better position to know their staffing needs.

Infamous Crime Provisions

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

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Support for County E-Government Services and Issues

As the public demands delivery of integrated government services through electronic means from all levels of government, Iowa counties must continue to expand electronic services while maintaining the confidential nature of certain county records.

Genuine concerns for the security and integrity of the underlying data, varying levels of available financial and technical resources, and varying complexity and proliferation of legacy information systems all have an impact on the platforms and applications chosen to deliver electronic services. Efforts to provide integration by consolidating services onto a single platform often ignore these factors, as well as the substantial investments that have been made in existing systems and support infrastructure.

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 those 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.

Enhanced Access to County Data

Counties have spent considerable time and public money updating their technology to keep up with the current demand for e-government. As a result, virtually all counties in Iowa now store data in electronic files and many are providing database and image records on internet websites.

According to the Attorney General, counties can only charge for the actual expense involved in copying the data requested. This means they cannot charge for the proportional share of the county's fixed costs, such as computer equipment and hardware infrastructure, software, application development, website development, hosting, maintenance, and insurance.

Many commercial requests (large to entire database) are from businesses and organizations that do not directly serve the public that funded the enhanced access to records and in some case take excessive measures to

access electronic records. An example is screen scraping. 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 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 becomes necessary to add additional bandwidth or constantly develop/implement additional safeguards to try to prevent such practices.

For these reasons, ISAC supports allowing government entities the option to charge and/or negotiate higher fees for commercial record requests. These higher fees would be more reflective of the actual costs associated with such requests and/or those records provided with enhanced access. 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.

Open Meetings and Public Records

Iowa's Open Meetings Law and Public Records Law have generally worked well to guarantee that the public's business is done in the open. However, there are changes that need to be made. The Legislature should address the following topics related to public records and open meetings:

- narrow the very broad definition of "public record," which will eliminate the need for so many exceptions;
- define the circumstances under which email is a public record and clarify that email conversations cannot constitute a "meeting";
- allow counties to charge for commercial use of public records;
- establish how long counties have to produce a requested record;
- clarify how counties can provide 24-hour notice if the meeting is Monday morning;
- clarify the language on advisory boards created by "executive order";
- add a catch-all that counties can go into closed session to discuss confidential records; and
- allow counties to post board minutes on the Internet in lieu of publication in a newspaper.

User Fee for Iowa Land Records

ISAC supports the concept of a user fee or subscription fee for Iowa Land Records (ILR) to defray the cost of maintenance/upkeep of ILR.

Public Sector Collective Bargaining

During the 2008 legislative session, the Legislature passed and the Governor vetoed HF 2645, which adopted broad National Labor Relations Act language regarding

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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. This action was taken with no input from local government employers. While ISAC supports the current Public Employment Relations Act and opposes changes to the current law that would shift the balance in favor of employee organizations, we would support a careful review and study of the current law and an open process to make any necessary revisions.

Legislative Objectives

1. Access to Iowa Land Records

PROBLEM: Access to images or real estate records is now restricted due to privacy concerns. Counties want to provide open access to public records while limiting the potential for identity theft.

SOLUTION: Amend the Iowa Code to clarify authority to restrict access and redact personal information from document images and reconfigure the Iowa Land Records system to increase web site security and the processing of images and data. Options for providing necessary resources include increasing the electronic transaction fee under §331.605C or authorizing the establishment of a subscription service for information access.

2. Vital Records

PROBLEM: The Iowa Department of Public Health sets the fee for certified copies of vital records by administrative rule for both state and county certified copies. Effective January 1, 2005, the fee was increased from \$10 to \$15. Prior to the fee increase, counties retained \$4 of the fee for their costs, which was 40% of the total fee collected. With an increase in fees, the percentage of the county share decreased. Upon application for the license to marry, the fee of \$35 includes one certified copy. The county retains \$4 as its fee for the issuance of that certified copy.

SOLUTION: Amend the Iowa Code to change the county share of the fee to 40% of the total fee for a certified copy as has been agreed upon by the Iowa Department of Public Health. Also amend the Iowa Code to allow the counties to retain the same percentage of the certified copy fee when issuing a license to marry.

3. Election Administration Issues

Township Office Elections

PROBLEM: Township offices sometimes have no candidates seeking to be elected. Individuals that receive one or two write-in votes can therefore be elected to serve. This is not always done with serious intent, and can cause difficulty in conducting legitimate business for the current township officers.

SOLUTION: Township offices shall be filled by the person receiving the most votes but no person shall be declared the winner if they received less than five votes. If no one receives five votes or more, the office shall be filled by appointment by the board of supervisors upon recommendation of the remaining township officials.

Alternative Poll Opening Times

PROBLEM: Current law allows cities with a population under 3,500 to choose between 7:00 am and 12:00 pm for opening of polls for a city election. The shorter hours can be cost effective, especially if there is no contest on the ballot and turnout is expected to be extremely low. Larger

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cities frequently have no contests and expect a low turnout also, but have no discretion for decreased hours of operation for their election.

SOLUTION: Allow cities over 3,500 in population to choose between 7:00 am and 12:00 pm for opening of polls for a city election.

Voter Registration Deadline

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. With same-day registration also part of current law, this is clearly unnecessary, especially for the lower voter participation during primary elections. 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 election.

Election Filing Deadline

PROBLEM: Iowa law currently utilizes 5:00 pm as a deadline for a number of election-related activities involving the local commissioner of elections. This conflicts with 90+ counties' normal courthouse closure times ranging from 4:00 pm – 6:00 pm.

SOLUTION: To provide consistency across the state and to allow for adequate work time for the election-related activities, change Iowa Code in all applicable sections dealing with an election-related activity filing deadline or hours of operation from 5:00 pm to 12:00 pm.

Voter Registration Law ID Requirement Inconsistencies

PROBLEM: Depending on the situation, such as 1) changing addresses or 2) registering and voting on election day, there is inconsistency in the Iowa Code regarding the documentation necessary to prove identity and residency.

SOLUTION: Provide uniform criteria throughout the Iowa Code for voters to prove identity and residency.

Task Force for "Vote by Mail"

PROBLEM: Iowa currently conducts elections by voting on Election Day and through a no-fault absentee early voting process. More voters are voting early. Iowa even pays for return postage on all ballots that are mailed. This has raised questions regarding cost effectiveness.

SOLUTION: Establish a task force to study the voting process in Iowa, including the potential for voting by mail. This task force should include auditors, Secretary of State staff members, and representatives from organizations of voters with disabilities.

Sharing Ballot Marking Devices at Colocated Precincts

PROBLEM: Iowa law currently requires one piece of handicap accessible equipment for every precinct. This type of equipment is uniform throughout Iowa, and is titled the Automark. This does not cast any votes; it simply marks a ballot that is inserted into a tabulator specific to each precinct. Some voting venues house more than one precinct. The Automark is used infrequently, and it is inefficient to have two or more of these devices into one location. The Automark can be programmed for numerous precincts, if allowed by Iowa law.

SOLUTION: Change Iowa law to allow one Automark per voting location rather than one per precinct.

Include Voter Registration Form on Absentee Ballot Request

PROBLEM: Voters are inundated with duplicate paperwork and forms. Many voters move frequently and need to register or update their information using the *voter registration form*. More voters are also requesting to vote early by using an *absentee ballot request form*. The required information on both these forms is similar, but not identical.

SOLUTION: Modify the absentee ballot request form so it can also be used as a voter registration form.

Use School District Boundaries for All Elections Involving Community Colleges

PROBLEM: Some elections that involve community college issues can be problematic because school borders sometimes overlap into different counties. This causes numerous election administration problems between the different county auditors.

SOLUTION: Change the Iowa Code to require any election pertaining to community college issues be administered in the same manner as regular school elections.

Candidate for More Than One Office

PROBLEM: Iowa Code §49.41 does not allow a person to be a candidate for more than one office to be filled at the same election. An exception is made for the non-partisan offices of county agricultural extension council and soil and water conservation district commission. Township clerks and trustees were changed to non-partisan offices by the Iowa Legislature. Sometimes persons serving as clerks or trustees also run for other offices on the same ballot.

SOLUTION: Change Iowa Code §49.41(3), "More than one office prohibited," to read: This section does not apply to the county agricultural extension council, or the soil and water conservation district commission. township clerk or township trustee. However, a person shall not serve as both township clerk and township trustee simultaneously.

Absentee Ballot Request by Fax

PROBLEM: When a voter submits an absentee ballot request by fax, the voter must also mail in the original

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document in order for the ballot to be counted. Auditors can mail a voter an absentee ballot from a faxed request, but the ballot will be rejected without the original, signed request. The original absentee request document must be postmarked by the Friday before election day and received by the Friday after the election in order for the ballot to be accepted for counting. Most voters do not know of this requirement. Election staff statewide end up tracking down these several voters by phone and mail to notify the voter that they need to turn in an original request. Many faxes arrive in the last hours to request a mailed ballot and voters do not get the opportunity to get the original to the office by the deadline.

SOLUTION: Allow auditors to accept faxed or electronic formatted absentee ballot request forms that include signatures without having to obtain the original request. By law auditors may accept fax requests from Uniformed and Overseas Citizens Absentee Voting Act or Uniform Electronic Transactions Act citizens without an original request on file. Permitting the auditors to accept all faxed requests gives all voters the same options and allows auditors to process voters in a consistent and cost-effective manner.

4. Gift Law

PROBLEM: The Iowa Ethics and Campaign Disclosure Board (IECDB) has jurisdiction over Iowa's gift law. On June 28, 2007, the IECDB issued an opinion letter stating that the gift law as written does not apply to 28E entities. That means that a restricted donor can give a gift to a 28E board member or an employee of a 28E entity. This does not apply to elected officials who sit on 28E boards; they are already covered by the gift law. This opinion applies to citizens who are appointed to 28E boards and it applies to employees of 28E entities. From a public policy standpoint, it is a bad idea to have 28E board members accepting gifts from those with business before that board. Allowing such gifts undermines public confidence in government.

SOLUTION: Amend Iowa's gift law to include 28E board members as "public officials," and include 28E employees as "public employees."

5. Recording Building Leases

PROBLEM: Current Iowa law does not require the recordation of leases for buildings or improvements erected or made by any person other than the owner of the land. The lease provides the treasurer's office with information used to mail tax statements, notices of delinquency and tax sale, and for pursuing collection of delinquent property tax.

Leases are frequently assigned as a result of corporate mergers, name changes, and/or restructuring. The landowner is often the only person who knows the name and mailing address of the owner of the building or improvement. Identifying an accurate mailing address of the building or improvement owner for statements and

notices is further complicated if the landowner cannot be located.

SOLUTION: Require the recordation of leases for buildings or improvements on land erected or made by any person other than the landowner. This will provide the treasurer's office with accurate contact and mailing address information, which will significantly reduce the time expended locating the leaseholder. In addition, statements and notices will be mailed to the correct person or entity, resulting in collection of appropriate amounts due. Penalties and enforcement provisions for non-compliance should be considered.

6. Recordors' Technical Clean-Up Legislation

PROBLEM: Certain portions of Iowa Code §331.606B (document formatting) are ambiguous and confusing to the user. Iowa Code §437A.11 still has a reference to individual index books.

SOLUTION: Amend Iowa Code §331.606B so that it is more specific, and amend Iowa Code §437A.11 to reflect electronic indexes and records.

7. Iowa Communications Network Access

PROBLEM: While the fiber optics network of the ICN may technically be in place in all 99 counties, Iowa law prohibits counties from using the network. Iowa Code §8D.2(5a) prohibits counties from receiving communications services from the state by NOT defining counties as a "public agency." This statute prevents counties from using the fiber optics network to reduce the cost of county government to property taxpayers. Reduced costs would be reflected by the increased collaboration between counties to share systems, positions, and information. Examples of potential uses could include: holding long distance hearings for prisoners, thus reducing the need for transporting prisoners around the state; disaster recovery services shared among counties; and the utilization of existing ICN meeting rooms to facilitate training, conferences, and general meetings.

SOLUTION: Modify Iowa Code §8D.2(5a) to include "a county" as part of the definition of "public agency."

8. Township Meeting Notification

PROBLEM: HF 608, passed in 2007, added Iowa Code §359.17(2), requiring meeting notices for township trustee meetings. Township trustee meetings are now generally required to be preceded by 48-hour notice posted by the county auditor in the courthouse, but the Open Meetings Law would suggest there is no posting requirement for township trustee meetings. It says: "21.4 PUBLIC NOTICE. 1. A governmental body, except township trustees, shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information." This is misleading and should be corrected.

SOLUTION: Amend Iowa Code §21.4 to state that the specific public notice requirements for township trustee

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meetings are found in Iowa Code §359.17(2), and change the 48-hour notice to a 24-hour notice.

9. 85% Salary for Elections Deputies

PROBLEM: Iowa Code does not provide for adequate compensation to appropriately reflect the enormous responsibilities of the auditors' staff who work with elections. Iowa Code currently allows the treasurer to have up to four deputies earning 85% of the elected official's salary, while the auditor may have only two. The Iowa Code appropriately provides an 85% compensation rate specifically for the motor vehicle deputy, and more recently for the driver's license deputy. The Iowa Code should be amended to provide for increased compensation for the auditor's elections deputy as well.

SOLUTION: Amend Iowa Code §331.904 as follows:

331.904 Salaries of Deputies, Assistants and Clerks 1.

The annual base salary of the first and second deputy officer of the office of auditor, treasurer, and recorder, the deputy in charge of the motor vehicle registration and title division, ~~and~~ the deputy in charge of driver's license issuance, and the deputy in charge of voter registration and elections, shall each be an amount not to exceed eighty-five percent of the annual salary of the deputy's principal officer. In offices where more than two deputies are required, the annual base salary of each additional deputy shall be an amount not to exceed eighty percent of the principal officer's salary. The amount of the annual base salary of each deputy shall be certified by the principal officer to the board and, if a deputy's annual base salary does not exceed the limitations specified in this subsection, the board shall certify the annual base salary to the auditor. The board shall not certify a deputy's annual base salary which exceeds the limitations of this subsection.

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Policy Statements

Alternative 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. 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 balances the benefits achieved against the local environmental impacts of such production. ISAC encourages the development of alternative fuel measures and recommends an increase in Iowa's alternative energy percentage to 10% by 2010 and 30% by 2020.

Flow Control

The Legislature should pass enabling legislation to allow local governments flow control, that is, the power to recover all solid waste generated within a solid waste agency's planning area.

Waste Reduction Management

Solid waste planning areas need local flexibility to implement programs that will assist the state in achieving its goals of solid waste reduction. These areas should not be required to implement programs that will cause tipping fees to exceed market competitive rates. Nor should they be penalized for not implementing programs that would make their rates non-competitive in their marketplace, or for cooperating with private recycling programs. In addition, solid waste planning areas should be encouraged to look for other sources of revenue to implement waste reduction and recycling activities. This will allow areas to maintain competitive tipping fees.

Public Beaches

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

REAP Funding

The Resource Enhancement and Protection (REAP) program has not received full funding since its inception in 1989. The increase in REAP funding to \$18 million in 2008 was approved with strong support by ISAC and allowed more important local park, recreation, soil conservation, and historic preservation projects to be funded. ISAC continues to support funding REAP at the full \$20 million level as soon as it is fiscally possible for the Iowa Legislature to do so.

Indemnity Fund

The indemnity fund established to indemnify local governments to pay for the cleanup of abandoned confined

animal feeding operations should be left intact and not be subject to use for any other purpose. This issue will become more important as many buildings are reaching the age at which they are more likely to be abandoned.

Manure Management Plans

ISAC supports the electronic submission of manure management plans and annual updates required by the Department of Natural Resources (DNR). The ever increasing demand, by citizens, 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.

Designated Wetlands

State and federally owned wetlands are provided special setback protection as "designated wetlands" under Iowa Code §459.102(21) when new confinement animal feeding operations (CAFOs) are proposed. County and city owned wetlands are not designated in the Iowa Code and deserve the same recognition and protection regarding setbacks from confinement feeding operations as their state and federal counterparts.

Public Health Modernization

ISAC seeks a working partnership with the Department of Public Health IDPH to update and professionalize local public health delivery in Iowa. ISAC's support of the proposed DPH public health modernization effort is contingent on determining what the changes will cost and what state and local resources will be used to implement the redesign. ISAC also wants assurances that the public health modernization takes into account local needs and local resources. DPH should work with the counties to secure more money for local public health, so that counties can fund local programs to satisfy DPH goals while meeting locally-established needs.

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Legislative Objectives

1. Livestock Feeding Operations and a Healthy Iowa

PROBLEM: Large livestock feeding operations represent an important portion of the state's agricultural economy and must be able to compete in the global market. However, if appropriate regulation does not exist, they represent serious and well-documented threats to human health, the environment, property values, and community quality of life.

SOLUTION: ISAC supports legislation that directs the DNR to review the master matrix with input from Iowa State Association of Counties and the Iowa State Association of County Supervisors.

2. Food Code Enforcement

PROBLEM: Current food establishment licensing fees do not cover the costs associated with conducting the inspections, re-inspections due to violations, plan reviews, and educational requirements of the Iowa Code. State appropriations (for state-funded inspections) and local tax dollars (for inspections contracted to local agencies) subsidize food protection program activities designed to ensure continued public safety. The Iowa Code requires food establishments be inspected once or twice a year depending on the amount and type of food prepared. Some counties are able to meet this requirement, but depend on local tax dollars to fully fund the program. Other counties are able to operate almost completely off of the license fees, but are only able to inspect establishments once a year.

SOLUTION: The Legislature should ensure that the food license fees fully fund state and local food safety inspection activities as required by the Iowa Code. In addressing this, the Legislature should adopt fees for plan reviews of new food establishments, re-inspections of establishments with violations, and for establishments that are chronic or habitual violators. The fees should be established at levels adequate to compensate for the cost of providing the services and should be increased (cost of living) annually. In the event that the legislature fails to address license fees, the Legislature should approve an appropriation to local health departments. This appropriation should cover the current shortfalls in administration, plan review, inspections, re-inspections, and educational activities of the food protections program.

3. Lead-Based Paint Poisoning

PROBLEM: Childhood lead poisoning continues to be a problem across the United States and in Iowa. Currently Iowa has a lead poisoning rate almost four times the national average. Many Iowa counties are as high as ten times the national average. Iowa ranks in the top six states with the oldest housing stock. All homes built prior to 1978 are likely to contain lead-based paint, and lead-based paint hazards are the leading cause of childhood lead poisoning. Children under the age of six years old are at highest risk of poisoning due to hand to mouth activity. Funding to

remediate lead hazards is minimal if not non-existent in most Iowa communities. Estimates of the cost of remediation range from \$12,000-\$20,000 per home. Communities fortunate to receive state or federal funding may have some limited resources.

SOLUTION: 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. Continue to inform and educate our national leaders 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.

4. Setback of Livestock Feeding Operations

PROBLEM: CAFOs are sometimes able to bypass intended setback distances from homes and public use areas due to loopholes in existing laws and to lack of sufficient funding and personnel for the state of Iowa to adequately monitor or enforce siting and operation of these businesses. Small animal feeding operations, under 500 animal units, developed under separate ownership and permits can currently be expanded through acquisition of adjoining operations without triggering more stringent setbacks that the larger combined operation would otherwise be required to meet.

SOLUTION: Loopholes in current laws governing permitting of confinement animal feeding operations should be closed to prevent avoidance of intended setbacks from homes and public use areas. Iowa Code §459.205(1) should be amended as follows: "1. 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 if ~~the confinement feeding operation structure is an unformed manure storage structure.~~ 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."

5. Local Public Health Funding

PROBLEM: In the 2001 session, the Iowa Legislature made significant cuts to local public health programs, limiting their ability to meet the increasing needs for local health services. It is essential that our local health departments are sufficiently funded to provide appropriate care to Iowa's aging population, to deliver needed health care to uninsured or underinsured families, and to assure staff are adequately trained, equipped and prepared to respond to all public health crises.

SOLUTION: The local public health services grant funding designated for public health nursing and environmental health should be restored to the FY00 level of funding and

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adjusted for inflation.

6. Zoning and Subdivision Wastewater System Review

PROBLEM: 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.

SOLUTION: The Legislature should add a requirement to Iowa Code §354.8: "Subdivisions that are to be served by private on-site wastewater treatment and disposal systems or community systems that only serve the subdivision must be reviewed and approved by the local board of health or county sanitarian for all preliminary plats and final plats prior to approval by the zoning commission and the governing body. All lot sizes for lots that are to be served by private on-site wastewater treatment and disposal systems must be large enough to accommodate future expansion or other options in the event of system failure."

In addition, board of health review of proposed zoning changes would help reduce the risks of developing a site that might be unsuitable for conventional sewage treatment and disposal. The zoning portions of the Iowa Code should be modified to include a requirement for notification of the local board of health for any zoning district changes that would allow construction of residential dwellings.

7. Preliminary Engineering Funds for Small Community Sewer Systems

PROBLEM: More than 600 small communities in the state are considered to be "un-sewered" or "under-sewered". Most of these communities either have inadequate centralized waste collection and treatment systems or a collection of private systems that may or 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 into ditches, streams or land drain tiles, or to the surface of the ground. Most of the "un-sewered" communities are incorporated towns of less than 500 persons, unincorporated villages that have reverted to county control, or pockets of small subdivisions scattered throughout a county. With the recent focus from the Environmental Protection Agency and the DNR in addressing small community wastewater problems, the villages and subdivisions are in need of money to cover up-front expenses to hire an engineer to explore alternative wastewater treatment and disposal systems. The small communities subject to notification of violations and

administrative orders are typically required to procure an engineer, develop a plan and implement a solution to address the violation. Small communities lack the financial options to remedy the violation, either because of bond and debt limitations or because of hesitancy to burden all taxpayers with the needs of a few.

SOLUTION: The state should establish a fund to provide incorporated communities of less than 500 population, as well as unincorporated communities and subdivisions of less than 500 population, with money to pay for a preliminary engineering study in the event of a DNR notification of violation or administrative order. This assistance will enable small communities that have a potential system capacity of over 1,500 gallons per day to develop options for sewage treatment and disposal that are affordable and meet the requirements of the DNR.

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Policy Statements

Advance Psychiatric Directives

A “best practice” in the mental health field is to encourage consumers to sign advance directives (giving instructions on treatment choices should the person become incapable of making those decisions and/or designating someone to make decisions on behalf of the person). 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. ISAC supports legislation that gives advance psychiatric directives the same recognition as durable powers of attorney.

Affordable Housing

Safe, decent, affordable housing helps to stabilize a family, making the family members better employees, students and citizens. It is estimated that 39% of renter households cannot afford the cost of a two-bedroom apartment at the fair market rent (\$576.00). The Housing Task Force of the Rebuild Iowa Advisory Commission has estimated that the unmet housing need from the flooding of 2008 totals \$946 million. Since the inception of the Iowa State Housing Trust Fund, the number of local housing trust funds has grown from four to 17. Local housing trust funds have been established in over 50 counties in Iowa, representing 60% of the state’s population. In 2008, the Iowa Legislature approved a standing appropriation of \$3 million for the Iowa State Housing Trust Fund in FY09. The Legislature also provided that, beginning in FY10, a percentage of the real estate transfer tax will be invested in the State Housing Trust Fund. The FY08 eligible requests to the Iowa Finance Authority from local housing trust funds are greater than the amount the Legislature appropriated. This source of funding also helps to leverage other public and private funds, and provides Iowa’s citizens with much needed affordable housing. ISAC supports continued funding of the State Housing Trust Fund.

Building Community Capacity

It is difficult to find community-based services for persons with a variety of challenging needs. ISAC supports efforts to develop community capacity to serve these persons outside of institutional settings.

Case Management Services

Targeted Case Management (TCM) has been a critical change agent for the Iowa disability system since the Legislature adopted ISAC’s recommendation to establish the program nearly two decades ago. Iowa Code chapter 90, administrative rules, provides an authorization process and eligibility criteria for TCM services. Iowa Medicaid Enterprise and its contractors, Iowa Foundation for Medical Care and Magellan, have recently reinterpreted the eligibility criteria in a more restrictive clinical and medical manner

without changing the criteria in the Iowa Code and administrative rules.

The number of initial denials for TCM authorization has steadily increased for all population groups (CMI, MR, and DD), and the number of short-term authorizations has increased. This leads to appeals to the state administrative law judge, resulting in additional costs to both the counties and the state. ISAC supports the use of the authorization process and criteria as originally developed by the Department of Human Services (DHS) and its intended application for authorizing TCM services. ISAC also supports the ongoing structure and provision of TCM services as outlined in Iowa Code chapter 225C.

ISAC encourages DHS to oppose the federal rule changes and to not implement any changes until this issue is resolved at the federal level.

Children’s Services

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, as evidenced by an increase in the number of inappropriate mental health commitments of minors. ISAC supports recommendations by the MH/MR/DD/BI Commission to improve children’s services to better meet the needs of children and families.

County/State/Commission Collaboration

The MH/MR/DD/BI Commission was created to provide the forum for input of multiple stakeholder groups. The concerns of all stakeholders must be heard and addressed in order to have effective policy implementation. ISAC supports: county/state/commission collaboration in developing and implementing statutes, rules, and budgets for all programs for which the county and the state both have responsibility. Counties are often the place where individuals with disabilities seek out information and assistance, so it is important for counties to be involved in the development of administrative rules affecting disability services. When involved in the development of rules counties can better assist in the implementation of policies at the local level. A good example of state-county collaboration is the successful implementation of the county-administered State Payment Program.

County/State Data Collaboration

Both the counties and DHS use MH/MR/DD/BI data to manage and improve the disability system. It is important that data be accurate, using consistent data collection procedures at all points in the system. All data systems must support an integrated process to adequately provide for a partnership in the management of services and funding to Iowans with disabilities. The legislature appropriated \$260,000 for the Community Services Network last session. ISAC supports legislation that directs DHS to share the state’s data. Counties must have access to all state eligibility and claims data for consumers. This includes the state’s MMIS, ISIS and IABC systems for the

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purpose of creating a single client identifier, pass-through state billings and remittances as well as ISIS service plan authorizations. The counties in turn are developing a real time data warehouse that the state may access and query.

Court-Related Expenses

Rule 21 Commitments

Individuals found not guilty by reason of insanity (Rule 21) are currently inappropriately placed in the mental health system when they need specialized forensic treatment and supervision. ISAC supports the development and state funding of specialized forensic programs to treat and supervise individuals found not guilty by reason of insanity.

812 Commitments

Historically, defendants requiring an evaluation to determine competency to stand trial, or restoration of competency, could receive services only at a state institution rather than in a more appropriate and cost-effective level of care. Those institutions, in turn, looked to counties to cover these costs, even though they are a legitimate cost of the defense. In 2004, the Legislature amended the law to allow 812 evaluations in the community and restoration of competence in community-based programs under some circumstances. However, the legislation did not clarify payment responsibility.

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

Civil Court-Ordered Services

There are significant, ongoing issues related to the costs for commitments. ISAC supports transferring the funding responsibility of court-appointed advocates, attorneys, sheriffs' fees, and court-ordered diagnostic evaluations for both substance abuse under Iowa Code chapter 125 and mental health under Iowa Code chapter 229 from the counties to the state.

ISAC supports legislation that clarifies that the state has the responsibility of locating beds for mental health and substance abuse commitments. Historically, low reimbursement rates, combined with the shortage of psychiatrists, have resulted in the loss of local inpatient capacity in the MHIs. Therefore, ISAC also supports legislation that would address the crisis in the availability of beds statewide, and legislation to improve the reimbursement rate from Medicaid for private hospitals.

Department of Corrections

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. ISAC supports clarifying that the cost of treatment ordered by the criminal court is a state funding responsibility.

IowaCare

ISAC supports county involvement in the evaluation of the current IowaCare program, and in the design and implementation of any future expansion that would use property tax dollars as a match. ISAC supports legislation to direct DHS to evaluate the lack of funding for medications, transportation, and lodging both in regard to impact on IowaCare enrollees and cost shift to counties. ISAC supports a review of the IowaCare program to identify ways to remove its institutional bias.

Medicaid

Medicaid Partnership

The Medicaid program provides necessary medical and medical-related services to Iowa's most vulnerable residents. It is a safety net that meets needs that otherwise would either go unmet or be absorbed by counties. Medicaid-funded services are a fundamental part of the MH/DD services system. Counties pay approximately \$150 million per year in Medicaid match with limited ability to manage these expenses. As a result, counties are experiencing increased budget pressures and must eliminate or reduce the non-Medicaid services that are critical for many consumers. The Legislature should direct the state Medicaid division to establish a partnership among stakeholders in the federal/state/county Medicaid system. ISAC supports legislation that would require DHS to work with the counties to design any proposed changes to the MH/DD services provided through the Iowa Medicaid plan.

Medicaid Audits

When the federal government audits the state Medicaid program, it is an audit of the state's administration of the program for compliance with federal rules. The state is facing both current and future Medicaid audits. Any payback required by a federal audit should not come from the counties.

Medicaid Eligibility After and During Jail and Detention

On May 25, 2004, the federal government advised states to suspend rather than terminate Medicaid benefits when a Medicaid recipient is in jail or admitted to an institution for mental diseases. The states were further advised to reinstate coverage immediately upon release from the facility, rather than making the person re-apply for benefits. Iowa is still not complying with that directive. Minnesota and Oregon have adopted legislation that could serve as a model. In order to ensure continuity of coverage and treatment, some states continue Medicaid coverage (without federal financial participation) when adults and children are in jail or detention during the pre-trial phase. ISAC supports both a change in state policy to comply with the federal directive not to terminate Medicaid upon admission to jail or an IMD, and the state-funded continuation of Medicaid eligibility for individuals being held in jail or juvenile detention.

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Mental Health Advocates

A workgroup has been convened to address the issues of training, funding, accountability, supervision of mental health advocates, and scope of work performed. With the availability of community-based services, specifically case management, county social work, or service coordination, it is important to avoid duplication of services and to focus the efforts of the mental health advocates on those clients who are either ineligible or unable to access these services.

ISAC supports the work towards resolving mental health advocate issues and supports clearly defining the population groups the advocates should serve. By doing so, clients will receive the services they need and there will be a more effective use of public funds by not duplicating services.

Mental Health and Substance Abuse Parity

ISAC supports the inclusion of comprehensive, but flexible, mental health and substance abuse insurance coverage, including prescription drug coverage equal to that of other medical benefits, in employee health insurance programs. ISAC urges the Legislature to expand the insurance parity law to cover all mental health diagnoses and substance abuse treatment.

MH/DD System Improvement

ISAC continues to support a county-managed MH/DD system, based on the concepts of consumer-driven services, eliminating disparities in services and improving outcomes for consumers by providing services in the community. It is ISAC's position that any system redesign must be adequately funded, including adequate funding for additional county administrative costs, so that no existing class of consumer would have to give up services in order to finance system change. The next step in redesign is the transfer of the management of state cases receiving Medicaid services to the counties. Once the current system is adequately funded, ISAC supports legislation that would lay the groundwork for this transfer. Since all stakeholders are represented on the MH/MR/DD/BI Commission, ISAC believes that the Commission should be the single point of accountability driving future system improvement. To accomplish this, the Commission must have authority over budget, administrative rules, and staff for the MH/MR/DD/BI system.

Psychiatric Workforce Shortage

ISAC supports the continued statewide effort for the recruitment of psychiatrists and psychiatrically trained and certified physicians' assistants and nurse practitioners. The shortage of trained mental health professionals is becoming life threatening in rural areas and critical in urban areas. Psychiatric telemedicine pilot projects have been successful in the past, and the current shortage necessitates the use of psychiatric telemedicine statewide. All payers, including Medicaid, should reimburse for services provided by certified physicians' assistants, nurse practitioners, and telemedicine.

Substance Abuse Treatment

An overwhelming growth in drug and alcohol abuse has resulted in an increasing number of individuals in need of treatment. In some communities the only way an indigent person can access inpatient or residential treatment is to commit a crime and have treatment ordered by the criminal court. In the mid-1980s the state took over funding for substance abuse, except for paying 25% at Mt. Pleasant and commitment costs. It is time for the state to integrate the community and institutional costs for substance abuse treatment into a single, seamless program. Inadequate state funding for substance abuse treatment has created a fragmented system with statewide inequities in the availability of community-based treatment facilities. ISAC supports the appropriation of sufficient state funds to the Iowa Department of Public Health to make services available for the evaluation, detoxification and prescribed outpatient, residential or inpatient treatment, including MHIs, for Iowans in need of substance abuse treatment.

Treatment for Co-occurring Mental Illness and Substance Abuse

According to the National Alliance for the Mentally Ill, approximately 50% of persons with chronic mental illness experience a co-occurring problem with substance abuse/chemical dependency. Treatment for these individuals is a critical area of concern. Research has indicated that community-based treatment for both conditions at the same time is the most effective approach for the integrated treatment needs of these individuals. ISAC believes that it is critical that the state of Iowa and its managed care contractor employ the evidence-based approach of providing treatment needs in an integrated manner.

Uniform Cost Report

ISAC supports the continued work of county, DHS and other stakeholders to develop strategies to create one uniform provider cost report. ISAC believes that this tool should include County Rate Information System (CRIS) principles, such as 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 DHS in understanding and defining the cost of service provision. Additionally, to assist in ensuring appropriate reimbursement for services continue the CRIS principle of defining the number of FTE's used to provide a service.

Veterans Affairs

Iowa's honorably discharged veterans and their families are eligible for compensation, pension and medical care from the Department of Veterans Affairs. ISAC supports the continuation of training for qualified and certified county veterans affairs directors. This is necessary to assist Iowa's veterans and their families.

human services

Legislative Objectives

1. Adequate Funding for Mental Health Services

PROBLEM: In 1996 the Legislature froze the property tax contribution to MH/DD services and legislated that the state would cover the increases in costs of services, including cost for new consumers. The state has not fulfilled its statutory obligation. As a result of chronic under-funding by the state, consumers are suffering the consequences. State-wide MH/MR/DD fund balances were reduced to 8.2% at the end of FY07. Counties are now levying 97% of the total statewide levy capacity, with 81 counties at the maximum allowed by law. Costs of services have increased at a much greater rate than allowable growth dollars. Counties can no longer cover funding shortfalls from the state. MH/DD budgets are in a state of crisis. Programs and services are being cut and compromised because counties cannot generate any new dollars for MH/DD services. The total statewide unused levy capacity is less than \$4 million. In addition, nearly 23% of the state population now lives in counties where new consumers are placed on waiting lists.

In addition, the range of levy rates supporting the county MH/DD system is widening due to the increasing valuations in some areas of the state and the decreasing valuations in other areas. The range for FY09 is from \$0.24 to \$2.60. Some counties with low fund balances are struggling to meet the 100% levy requirement because of the significant burden it will put on their taxpayers, while other counties with rapidly increasing valuations are struggling to maintain services even though their MH/DD levy rates are falling.

SOLUTION: In addition to fully funding MH/DD allowed growth, ISAC supports legislation to allow counties the option of using the levy rate as the cap instead of the levy dollar amount without any loss of property tax relief or allowed growth. This would allow counties the option to generate additional revenue to address the rising costs of services and effectively meet the needs of persons with disabilities in their own community. Funding to maintain current services is necessary BEFORE making additional investments for system improvement.

In order to move toward the recommendation of the MH/DD/MR/BI Commission to standardize the levy rate supporting MH/DD services, redefine the 100% levy rate for any county with a maximum levy rate greater than \$2.50 at \$2.50. The county would have the option of levying \$2.50 or anything above to their maximum rate, but would be considered to be levying at 100% at any rate at or above \$2.50 for purposes of allowed growth distribution. Counties with levy rates below the average would be allowed to increase incrementally up to that rate. Counties below the average would be considered to be levying at 100% whether they continue at their current maximum rate or take advantage of the flexibility to increase their rate.

2. MH Disaster Funding

PROBLEM: There will be increases in the mental health service needs of Iowans as a result of the natural disasters of 2008. According to a National Center for Posttraumatic Stress Disorders (PTSD) fact sheet, as many as one out of every three disaster survivors experience some or all of the following severe stress symptoms, which may lead to lasting PTSD, anxiety disorders, or depression:

- dissociation (feeling completely unreal or outside yourself, like in a dream; having “blank” periods of time you cannot remember);
- intrusive re-experiencing (terrifying memories, nightmares, or flashbacks);
- extreme attempts to avoid disturbing memories (such as through substance use);
- extreme emotional numbing (completely unable to feel emotion, as if empty);
- hyper-arousal (panic attacks, rage, extreme irritability, intense agitation);
- severe anxiety (paralyzing worry, extreme helplessness, compulsions or obsessions); and
- severe depression (complete loss of hope, self-worth, motivation, or purpose in life).

Counties have created an effective service delivery system for persons with mental health needs. County funds for MH/DD services are obligated and there is no county funding available to support the provision of services to the area's general population that needs post-disaster crisis counseling services, or the coordination, monitoring or training for programs to provide these disaster services. There must be additional resources allocated to the counties to use to address the ongoing mental health needs of individuals whose homes and businesses have been lost.

SOLUTION: ISAC supports additional state funding to meet post-disaster needs and opposes the diversion of state funding from existing programs or the creation of a parallel system of state-operated services to address the flood and weather-related recovery efforts. Assuming that the Legislature will not allow counties to generate additional resources through property taxes, the Legislature must appropriate additional funds to the counties to address the ongoing mental health needs of Iowans impacted by the recent disasters.

3. Appeals Process

PROBLEM: The state appeals process allows the Department of Human Services (DHS) director to override an administrative law judge decision, which is not consistent with the recent Attorney General interpretation of *Salcido v. Woodbury* that boards of supervisors cannot be included in the county appeals process.

SOLUTION: Amend Iowa Code chapter 17A to reflect that any appeal heard and ruled on by an administrative law judge cannot be overturned by the DHS director.

human services

4. Financial Eligibility

PROBLEM: Iowa Code §230.15 limits client financial liability for all persons admitted to state mental health institutes to the Family Investment Program payment for a family of similar size, regardless of the amount of income or resources the person may have. This policy perpetuates the institutional bias in the system by making state institutions less expensive to consumers with substantial means than a similar service in a community setting.

SOLUTION: ISAC supports repeal of the limitations in Iowa Code §230.15 so that client eligibility and liability are consistent across all providers.

5. MHI Admissions

PROBLEM: According to Iowa Code chapter 230, all admissions at MHI are required to follow the Central Point of Coordination process. However, the Mental Health Institutes and the Iowa Residential Treatment Complex, the state-run substance abuse unit, are accepting admissions that have not been authorized by the county.

SOLUTION: Amend Iowa Code chapter 230 to include specific language that counties are not required to pay for services for which admissions have not been authorized by an entity designated by the board of supervisors, prior to admission. If the admission is voluntary, in either the psychiatric or substance abuse service units, the patient must complete the pre-screening process as designated by the county.

land use & rural affairs

Policy Statements

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 (EPA) 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 costly and time consuming. ISAC supports retaining the current exemption.

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 \$2.1 million annually. At one time counties using the funds received as much as \$30,000 annually, due to a surplus that was divided equally among the counties that participated. This allowed them to test and rehabilitate wells and to plug abandoned wells at a significant rate in order to protect groundwater resources. This figure settled at \$16,500 by 2003. In FY08 each county participating received \$18,580. Abandoned wells are still prominent across Iowa's landscape. These abandoned wells 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. This is crucial to assure water quality for future generations.

Rural Development

In order to restore and sustain rural viability in Iowa, six important issues should be considered by both state and federal lawmakers: renewable energy development, child care, health care, housing, rural firefighter and emergency personnel training, and water and wastewater programs.

Renewable Energy Development

On-site renewable energy generation can provide significant rural development opportunities to the owner 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.

Child Care

ISAC supports a variety of proposals by the Iowa Child Care Coalition. Opportunities for child day care in rural areas must improve in order to assist the increasing

number of couples who must hold full-time employment in order to sustain their families. Increasing the supply of quality, affordable day care options and before- and after-school programs would make rural areas places where families will remain and will attract new families to any new employment opportunities.

Health Care

Efforts should continue to be made by the state and local governments, non-profit advocacy groups, and commercial interests to work to keep and attract new medical and health care professionals in rural Iowa. Current college tuition reimbursement programs in place to assist doctors who decide to practice in rural Iowa should be expanded to include dentists and other medical professionals. The availability of health care in the small towns or in many county seats, whether in the form of those trained in the medical arts or small clinics or hospitals, has been declining. No part of the state can hope to remain vibrant or to restore itself without locally available health care.

Housing

In light of the 2008 weather disasters that have impacted the state of Iowa it has become evident that the housing issues in Iowa have been magnified and are impacting the people of Iowa. In the rebuilding process ISAC supports the careful replacement/rebuilding of our housing, assuring that new/rebuilt homes will withstand future disasters.

Keeping this in mind, the shortage of affordable housing in both urban and rural areas and the shortage of financing for rehabilitating older housing have been quantified and highlighted in a report by Dr. Heather MacDonald, University of Iowa, to the Iowa Finance Authority. 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 program is an excellent program, but under existing law, the program does not work efficiently for the smaller, rural Iowa counties. The Enterprise Zone program needs to be changed to allow the smaller rural counties to cross "enterprise zones" for the purpose of constructing four or more speculation houses. Assisted living is also a key to rural Iowa, and additional state support is needed in this area as well. Counties should partner with cities and the state government to establish housing trust funds and take other measures, including establishing structural standards, to reduce damage during natural disasters in order to address the problem of inadequate affordable housing statewide.

Rural Firefighter and Emergency Personnel Training

Parallel with the increasing scarcity of medical personnel in rural areas, is the shrinking numbers of people who are available to work or volunteer in emergency services. With the aging of rural Iowa's population, fewer younger men and women are available for such demanding work. These shortages increase the need for firefighters or emergency personnel with life-saving technical training. While rural development efforts are aimed at increasing the popula-

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tion of rural Iowa, the need for training continues. Local, state and federal governments must strive to offer training for assorted emergency and public safety personnel in under-served rural areas.

Water and Wastewater Programs

Since the late 1980s, water quality has received more and more attention in Iowa. 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 with inadequate systems, housing developments, and rural villages in unincorporated areas may be required to install small, 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.

Land Use Planning

For years, ISAC has advocated for strong state planning legislation to enable local governments to practice long range planning within a framework, or vision, articulated at the state level. In the aftermath of the natural disasters of 2008, the Long Term Recovery (LTR) Planning Task Force Report (August 2008) advocates a framework of collaborative state, regional, and local planning efforts to achieve a "safer, stronger, smarter Iowa."

Such collaborative planning efforts will achieve a number of goals as articulated in the LTR Task Force Report, including: foster resiliency in communities so that any community will be prepared and equipped to recover from the next disaster; foster regional planning partnerships that take into consideration such items as energy efficiency, sustainable development, and minimizing impact on the current environment; disaster mitigation planning; inclusion of stakeholders from all interest areas in the planning process, ensuring a complete, comprehensive plan for meeting regional needs; and promoting the state's environmental, social, and economic health.

The state must establish and maintain a land use policy framework to ensure that local land use planning satisfies state, regional, and local interests. This framework must recognize the unique differences between the state's "growth centers" and its "agricultural resource areas," and the appropriate planning tools may be different for each. As the LTR Task Force Report states, "urban and rural issues need equal consideration, as their priorities, public will, and resources are very different." This framework

should be simple, yet flexible, and contain the philosophy that planning statutes are not a "one-size-fits-all" solution. Planning statutes must address interagency coordination at both the local and state level; in other words, both horizontal and vertical coordination.

Planning-enabling legislation should provide a basic framework for the elements of a comprehensive plan. As listed in the LTR Task Force Report, such plan elements may include energy, housing, erosion and agriculture, floodplains, landfills, transportation, and land use. Enabling legislation should allow for modern growth management tools, and should encourage and facilitate inter-governmental cooperation in land use planning. Such legislation should also require state agencies to take steps to ensure that their respective policies and programs are consistent with an articulated and coordinated set of state growth management goals and/or with plans of local and regional entities.

By designing a formal planning structure that provides resources to assist in changing behaviors and minimizing impacts from local and developmental activities, the state will help achieve its goal of building a "safer, stronger, smarter Iowa."

Limiting Additional Exemptions to County Zoning

Several attempts have been made during recent legislative sessions 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 very reasons counties choose to plan and zone, further weakens local home rule authority, and sends a signal that local public policy can be co-opted by special interest groups. Further attempts to expand the types of exempt land uses should be opposed.

Annexation

As a result of numerous piecemeal amendments over the years, current annexation legislation is disjointed and difficult to read and understand. Administrative rules provide some measure of clarity, but cannot substitute for well-crafted law. ISAC supports a rewrite of the annexation section of the Iowa Code for coherency, but with no substantive changes to the general principles currently in place. Such a rewrite will make the legislation easier to understand and administer. Additionally, future amendments to annexation legislation should only be considered on an alternating-year basis. This will allow for greater consistency in the administration of the law and thoughtfulness in proposed changes.

land use & rural affairs

Legislative Objectives

1. Natural Resources and Outdoor Recreations Trust Fund

PROBLEM: Funding for critical natural and recreational resources in Iowa has historically fallen far short of well recognized needs. In recent years, Iowa has been near the bottom of all states in natural resource funding per capita. Although polling shows that most Iowans support additional state funding for natural resources, the political will to fund important programs has been lacking. A stable and dependable source of public funding is necessary to address these natural resource and recreation needs in a way that can make Iowa a safe and environmentally attractive place to live and work.

A bipartisan, public/private sustainable natural resources funding advisory committee appointed by the Governor in 2006 submitted a report to the Governor in January of 2007 recommending the establishment of the Natural Resources and Outdoor Recreation Fund funded through a portion of any future increases in sales taxes. A bipartisan interim Legislative Committee further studied the proposal and came up with the same recommendation. In 2008, the 82nd General Assembly passed SJR 2002, which reflected these recommendations. In order to change the constitution, the same resolution must pass during one of the next two sessions and then must be voted on by the people of Iowa.

SOLUTION: ISAC supports establishing the Natural Resources and Outdoor Recreation Trust Fund as a permanent source of funding for improving Iowa's natural resources and to protect that funding through a constitutional amendment. This requires passage of the exact same bill by the legislature a second time by the 83rd General Assembly. ISAC strongly supports the second passage of SJR 2002 in 2009 so that the people of Iowa can fully declare their support for sustainable natural resources funding.

2. Funding for the Environment First Fund

PROBLEM: Gambling revenues finance the Environment First Fund. The fund contains many programs of importance, including the agriculture drainage well closure program, REAP, conservation reserve enhancement program, watershed protection program, conservation cost share program, conservation buffers and other important water protection programs.

SOLUTION: The Governor and the Legislature should fully fund the programs in the Environment First Fund. These funds are essential in assisting Iowa landowners to complete soil conservation and water quality improvement practices throughout the state.

3. Comprehensive Land Use Planning

PROBLEM: Iowa's zoning-enabling statutes for counties (Iowa Code chapter 335, adopted in 1950) and cities (Iowa Code

chapter 414, adopted in 1924) are modeled after the Standard State Zoning Enabling Act of 1922. Except for piecemeal amendments dealing with special-interest issues, the state's legislation has remained relatively unchanged for over 50 years.

The current law does not provide a clear mandate for comprehensive planning as the framework for zoning and other regulatory tools. There is no clear authority to implement modern land use planning and regulatory tools at the local level, and the legislation engenders only sporadic attempts at planning coordination, resulting in frequent struggles to resolve land use conflicts at our urban fringes. Additionally, the natural disasters of 2008 have spurred recommendations from the Long Term Recovery Planning Task Force for collaborative state, regional, and local planning efforts to achieve a "safer, stronger, smarter Iowa."

SOLUTION: The Legislature, in cooperation with ISAC, the Iowa League of Cities, and other organizations, should adopt legislation that defines the minimum elements for a comprehensive plan and firmly establishes comprehensive plans as the foundation for land use regulation and decision-making. Such legislation should also provide flexibility at the local level to adopt and administer modern growth management tools and concepts, and should provide incentives for cooperative planning efforts at the state, regional, and local levels.

public safety

Policy Statements

Sheriff as an Elective Office

The sheriff's jurisdiction is co-extensive with the 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 rights of others are arrested, availed of a fair trial, and, if convicted, appropriately punished. The sheriff is charged by the people to determine what the public safety needs are and to act accordingly within the law. The sheriff is the only peace officer in the state whose allegiance and accountability is directly to the people and not to a government entity, a political group, or a body of non-elected government officials. To remove the sheriff's office from the elective arena would be to deprive the citizenry of important rights, most notably 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.

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. Funding was reduced and the number of placements was capped at an artificially low level primarily due to fiscal considerations, not what was in the best interest of the children or public safety and welfare.

Iowa needs more capacity in the child welfare system in order to provide immediate, meaningful consequences that help fight juvenile crime. The Legislature needs to increase the number of residential placements available for youthful offenders. Having a backlog of youth waiting for placement in residential programs makes a mockery of the idea of immediate sanctions. Instead, the youth sit 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 all the way from community prevention programs and school-based programs to adult court and the state training schools. The programs on the continuum cannot be intensive enough to work when they are watered down to make room for the increasing numbers of delinquent youth. We must increase support for these programs to keep pace with the increases in juvenile crime.

Meeting Iowa's Correctional Needs

The Legislature needs to consider less expensive, more innovative alternatives to prison for inmates who are not dangerous or violent; but the reality is that dangerous,

violent inmates need to be locked up and need to stay behind bars longer.

Prisons

If Iowa is going to get 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, 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 waiting lists at facilities in order to break 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 both safer communities and fewer parole revocations, which, in turn, significantly decrease the prison population;
- expand alternative sanctions, such as drug courts, to divert, when appropriate, offenders from entering prison and ensure statewide access to alternative sanctions and community-based corrections; and
- increase probation and parole supervision to reduce revocation rates and the prison population (an astonishing 52% of the admissions to prison are due to failure on probation).

County Jails

Sentencing Options

Several proposals regarding increased use of county jail facilities have been introduced during the last several legislative sessions. Serious problems (overcrowding, increased liability exposure and increased demands on the property tax base) could result if the county jails are relied on to solve the state's prison overcrowding problem. In light of these considerations, ISAC opposes any legislation that would increase the county jail population without state assistance in funding the cost and providing additional beds, if necessary. ISAC supports the expansion of state residential and correctional facilities to house state prisoners.

public safety

Privatization

County jails should not be taken away from the sheriffs and turned over to private contractors. Instead, counties and sheriffs should continue efforts to professionalize county jail operations in this state. These concerns do not apply when a private company builds a jail and then leases it back to the county. In those cases 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 that need to be replaced, but with no property tax base to support new ones. Many of these counties are considering the possibility of a multi-county jail. While these counties could build such a jail now, under the current law there is no statewide program to encourage the planning, development, and operation of multi-county jails. Such a program could also provide state money for multi-county jail efforts. 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 (ISSDA);
- a process for counties to use in creating a multi-county jail commission to operate the multi-county jail;
- a state multi-county jail fund for grants and loans;
- a process for applying for grants and loans;
- a series of code editor changes to incorporate new Iowa Code chapter 356B, related to multi-county jails; and
- a state appropriation from the Rebuild Iowa Infrastructure Fund for multi-county jails.

Any multi-county jail, if constructed, should be under the control of the sheriffs of the counties that the jail serves.

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.

Byrne Grants

ISAC calls on Iowa's congressional delegation to provide continued funding for Byrne Grants, which support many local drug enforcement task forces. Byrne Grants replace the need for state funds. If Byrne Grant funding declines, counties will have to look for more state funding.

Iowa Law Enforcement Academy

The current training center 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 Iowa Law Enforcement Academy (ILEA) weapons training range,

which is being used more by the federal guard personnel.

ISAC supports a training facility that provides state-of-the-art facilities and technologies to properly train peace officers to protect the public safety of Iowa citizens in today's world. As a major user of ILEA services, county sheriff's offices rely upon the ILEA to provide comprehensive training for their officers. Consistency in the training of officers is critical to their ability to serve their communities and for their own safety in the line of duty.

The strength of a quality law enforcement training program is 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 real needs for enhancement at ILEA. While a completely new, stand alone facility is one option that should be explored, that may not be the most cost-effective option. 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.

Improvements to ILEA are overdue, and ISAC appreciates the General Assembly's study of this important program. Above all, improvements made to ILEA must be done in a way that provides a quality training program that is consistent, accessible to and affordable for sheriff's departments from across Iowa.

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. The participation of local first responders in the planning for Iowa's homeland security effort should be the primary source for development of planning and funding priorities. 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 response to acts of terror and natural disasters.

Court System Access

ISAC supports adequate funding for the Iowa judicial system in order for the courts to successfully deliver vital services. Access, accountability and affordability should be key considerations in the development of any service-delivery system.

public safety

State Reimbursement for State Prisoners

Property taxpayers in Iowa spend more than \$130 million annually holding inmates in county jails. This amount has risen by more than 6.5% in the last year, making county jail costs one of the fastest growing areas of county budgets statewide. One way to decrease county jail costs would be to guarantee the necessary funding so that the state can reimburse counties for holding state prisoners in county jails. Iowa Code §906.17 requires the state to reimburse counties for the cost of holding parole violators in county jails. The state is also required by statute to reimburse counties for work release violators and some operating while intoxicated (OWI) violators. In addition, the Department of Corrections (DOC) is 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. In recent years the county confinement line item in the state budget has remained fairly constant. This needs to continue.

Tornado Shelters

Mobile and manufactured homes are often the most vulnerable structures when it comes to severe weather. Downbursts and tornados can rip these facilities apart. However, most mobile and manufactured residents often have no better choice for protection during storms. Many communities where these homes are congregated do not provide any separate shelters that would offer a more sturdy safety solution.

ISAC favors legislation mandating the installation of sturdy, protective shelters for each mobile and manufactured home community. The shelters should be large enough to accommodate all residents of the community. This legislation could include tax incentives for park owners, such as tax credits or refunds, a multi-year phase-in of law, or even a small amount of state-funded grants, that community owners could apply for in order to offset costs of shelter construction.

Permits to Carry Weapons

Currently, under Iowa Code chapter 724, the issuance of permits to carry weapons is at the sheriff's discretion. That gives the sheriff the ability to make a case-by-case determination as to whether the issuance of the permit to carry poses a threat to public safety. In many cases, the sheriffs are able to use their extensive knowledge of the applicants to make an informed decision regarding the application. For instance, in one case the applicant was denied a permit because the sheriff knew that the applicant was the girlfriend of a gang member. Many other states have gone to a "shall issue" law, taking away the sheriff's discretion. ISAC favors retaining the current law.

If Iowa was to become a "shall issue" state, taking away the sheriffs' discretion, then all weapons permits should be issued by the Department of Public Safety. If the sheriff does not have discretion, he should not have the responsibility and liability of issuing the permits.

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 field during emergencies, placing them in the danger zone. There have been several examples recently of emergency management directors who have been seriously injured in the line of duty. This can end careers prematurely and even shorten life spans. Due to this factor, ISAC favors extending Iowa Public Employees' Retirement System (IPERS) protected occupation status to emergency management directors.

Interoperability

The communication systems of each local, state, and federal agency don't inherently communicate with each other. There are various frequencies, manufacturers, and technologies involved that are incompatible. With the public's growing expectation that all government organizations communicate seamlessly throughout the state, there is a need to make communications interoperability a reality in the State of Iowa. The State of Iowa needs to improve cross-agency communication if it is going to better protect its people and property throughout every community in the state. But any interoperability solution from the state needs to recognize that many proactive counties already have large financial investments in communications equipment. These investments could be made obsolete, depending on the state's approach to interoperability. So any state interoperability requirement needs to adequately address this concern. In addition, any statewide approach to interoperability needs to include adequate state funding. This large expense should not be put on local governments.

public safety

Legislative Objectives

1. State Funding for Emergency Management

PROBLEM: 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.

SOLUTION: There needs to be a state appropriation to county emergency management agencies in order to help meet the challenges of preparedness in this post-9/11 world. Dollars could be used for all-hazards planning, training and exercising costs, necessary equipment costs, and personnel costs (such as coordinator salary or hiring a part-time assistant to help meet requirements proactively), all of which are similar to the limited federal emergency management performance grant program. Requirements for receiving these funds cannot exceed current requirements set for county emergency management as listed in both the Iowa Code and the Iowa Administrative Code.

2. Sex Offender Residency Law

PROBLEM: Iowa Code §692A.2A was adopted in 2002. It generally says that a person who has committed a sex offense against a minor “shall not reside within 2,000 feet of an elementary or secondary school or a child care facility.”

It is time to get tough on sex offenders. The way to do that is to pass a law that makes sense and is enforceable. Law enforcement officials, abuse prevention experts, and victims all agree that the 2,000 foot residency restriction does not work.

The current sex offender law is flawed because: 1) it assumes there is a correlation between where a sex offender “sleeps” and where a sex offender abuses; 2) it ignores that most offenders live just down the hall from or know their victims; 3) it does nothing to prevent a sex offender from being on school or daycare property all day long; 4) the residency restriction has pushed offenders into “colonies,” made them list public places such as parks and interstate rest stops as residences, or caused them to not report at all, making it more difficult for law enforcement to track the worst offenders.

SOLUTION: Strengthen Iowa’s laws to protect children from sexual predators. The Legislature should replace the current 2,000 foot residency restriction with safe zones that would prohibit sex offenders from entering areas near schools and daycares.

3. Electronic Tracking of Pseudoephedrine

PROBLEM: While Iowa has begun to address its problem with methamphetamine labs through effective legislation that places most products containing pseudoephedrine (PSE) behind store and pharmacy counters, methamphetamine continues to be a highly sought-after and abused drug in Iowa. Recently, state officials and local law enforcement officers are starting to see the number of methamphetamine labs slowly begin to rise due to a practice called “smurfing.” Drug dealers and methamphetamine addicts beat the system by traveling from store to store to buy a large enough quantity to manufacture methamphetamine while still staying under the legal limit at each individual store. Because Iowa’s law only requires a paper logbook kept at each store, it is difficult for law enforcement to gain access to the logs or to connect a string of purchases. Even with the tougher record-keeping laws, one store does not know what has already been purchased at another store, much less in another town.

SOLUTION: Iowa should join other states, such as Oklahoma and Indiana, in requiring an electronic PSE tracking system used by retailers for the purchases of PSE. An electronic system is easier for all to use, including the retailer, customer, and law enforcement. Additionally, it will allow for immediate, statewide sharing of PSE purchase data, allowing law enforcement to respond in a timely manner. Electronic PSE systems used by other states are already developed and are similar to systems already used by pharmacies for prescription drug purchases. The established systems are designed to protect consumers’ confidential information.

Iowa should adopt the necessary policy changes proposed by the Iowa Office of Drug Control Policy to support implementation of an electronic PSE log. Additionally, if federal funds are not available for the initial purchase and installation of the electronic PSE system, Iowa should appropriate the funds needed for the technology to implement a system that could potentially save lives and millions of dollars in future medical and correctional costs due to methamphetamine use.

4. Medicaid Rates for County Prisoners

PROBLEM: State and federal court cases require that medical care must be provided to county jail prisoners, and that if no other source of funding is available, the county is the payor of last resort.

Most county jail prisoners have no health insurance, and generally are in poorer than average health. Because of this, county jail medical costs amount to millions of dollars annually and are increasing significantly every year. To combat these rising costs, at least 11 states (Colorado, Illinois, Maine, Minnesota, Mississippi, Montana, New Hampshire, Ohio, Oklahoma, Washington, and Wisconsin) have laws that limit the amount charged for prisoner

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medical care. Doing this in Iowa would result in a significant reduction in county prisoner medical care costs, and a savings for county taxpayers.

SOLUTION: The Iowa Code should be amended to require that counties be billed no more than the Medicaid rate for prisoner medical care.

ISAC suggests the following language to be added as a new section in Iowa Code chapter 356: "Counties shall pay to a provider of a medical service for any and all prisoners confined in a jail an amount no greater than the reimbursement rate applicable based on the Iowa Medicaid reimbursement rate. This limitation applies to all medical services provided outside the jail including hospitalizations, professional services, durable and nondurable goods, and prescription drugs and medications."

5. Criminal Justice Information System

PROBLEM: County attorneys are faced with increasing case loads and demands for technology in their offices and in the court room: Law enforcement media, cell phone technology, computer/Internet crime, along with the court system moving towards electronic data exchanges of criminal justice information and electronic filing and management of pleadings and documents. The expanding need has well outpaced resources available to county attorneys. Only 22 counties presently have database systems that are capable of data exchanges with other justice users.

SOLUTION: An appropriation of \$1.2 million each year for three years should be made for grants to county attorneys for software, hardware, networking, training, and continued administrative and IT support to implement database management and exchange data between county attorneys, the court system, and other criminal justice agencies.

6. Reducing the Cost of Probation Violators in County Jails

PROBLEM: An increasing percentage of prisoners being held in county jails are those who have violated probation. 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 against them. Under current Iowa law, the DOC reimburses counties for housing parole violators but is not required to reimburse counties for probation violators. Therefore, parole violators move in and out of the jails in seven to ten days on average. On the other hand, the State has no financial responsibility for state probation violators housed in county jails, often multiple times, so 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. For example, in Polk County, at any given time, nearly 40% of its approximate 1,000 prisoners are parole and probation violators. In nearly every county, at least one fourth of the prisoners in jail are probation violators.

SOLUTION: As the state assesses prison capacity and criminal sentencing, it must consider the revolving door housing an increasing number of parole and probation violators in county jails, thus driving up costs to local taxpayers. In 2009, ISAC will ask the Legislature to consider 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 (with other charges) 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.

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Policy Statements

Property Tax Reform

ISAC supports property tax reform that stabilizes the tax base, resolves unfair discrepancies within the current tax base, improves accountability in the budgeting processes of cities and counties, and imposes a reasonable limitation on city and county property taxes while maintaining local control for citizens and their elected representatives.

Flood Relief

ISAC encourages the legislature to develop funding mechanisms and revenue sources that will quickly and effectively assist flood and storm damaged areas of the state. However, it is important to ensure that the relief is targeted to the areas that need it most and that the relief measures do not negatively impact areas of the state that were spared from flood and storm damage.

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.

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 deals only with various state-mandated functions. This continues to force additional spending onto 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 increased costs of the mandate.

Low-income Elderly and Disabled Credit

Iowa law allows a property tax credit of up to \$1,000 for low-income elderly and disabled persons. Because funding cuts to this program greatly impact those 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.

Enterprise Zones

ISAC supports the continuation and expansion of enterprise zones as a vital economic development tool for local governments.

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Legislative Objectives

1. Local Option Sales Tax TIF

PROBLEM: In the waning hours of the 2008 session, the legislature enacted a TIF for local option sales taxes. The local option sales tax TIF (LOST-TIF) has the potential to freeze the amount of revenue counties receive from local option sales tax for up to twenty years. Currently 85 counties impose a LOST; they collectively receive over \$65 million annually in LOST revenue. LOST revenues have played an increasingly important role in county budgets over the last decade. Many important local projects, including road and bridge construction, new jails, county parks and other conservation efforts, and property tax relief, depend significantly on LOST revenue for their completion. Freezing the amount of LOST revenue counties receive will delay or eliminate those projects and will cause counties to increase property taxes to make up for the lost funding.

ISAC supports expanding the range of economic development options for Iowa's local governments. However, the LOST-TIF carries with it all the problems of the existing property-tax TIF scheme that counties have tried to fix for years. For example, under the LOST-TIF city councils have the unilateral authority to capture LOST proceeds that are currently distributed under an allocation formula that benefits all jurisdictions in the county. The LOST-TIF also allows cities to change the use of their LOST revenues without asking for voter approval, while that is not the case in the normal LOST context. This allows cities to use a bait-and-switch on their citizens. City councils could redirect the LOST revenue to be used for TIF projects, even if the citizens voted to tax themselves to pay for roads. Finally, the LOST-TIF allows increased funding for TIF projects, with no increase in accountability. The absence of effective oversight of TIF usage has led to public funds being used for questionable projects, some of which have been highlighted in various media reports in recent years. Past legislative sessions have expanded TIF reporting requirements to increase the oversight of TIF. The LOST-TIF went the opposite direction. Allowing cities to divert additional revenue to TIF projects will expand the use of TIF and the duration of TIF projects, both of which will enhance the potential for further misuse of TIF dollars.

SOLUTION: Repeal the LOST-TIF enacted in 2008. This would require repealing new Iowa Code §423B.10, as well as some corresponding language also in Iowa Code chapter 423B.

2. Agricultural Building Value

PROBLEM: Agricultural buildings account for about \$2.6 billion, or 2.1%, of taxable property value in Iowa. However, the value generated from agricultural buildings is automatically subtracted from the value generated for agricultural land by the productivity formula. The result is that the construction of any new agricultural building adds zero net value to Iowa's property tax base. This situation serves as a disincentive to agricultural economic

development because large-scale livestock operations impose significant additional costs on counties, such as road maintenance, without expanding the tax base to help pay for those costs.

SOLUTION: Assessors should value agricultural buildings at their replacement cost new less depreciation, and then apply the appropriate agricultural factor per Department of Revenue (DOR) rule. The value of agricultural buildings would not change from its current level; but the value would be in addition to the value generated by the productivity formula for agricultural land. This could be accomplished by adding the following new language at the end of Iowa Code §441.21(6): "Beginning with valuations established as of January 1, 2009, a structure located on agricultural land, excluding agricultural dwellings, shall be valued at its replacement cost new less depreciation, and then adjusted by the appropriate agricultural factor. Such structures shall be valued as agricultural structures and the valuation determined under this subsection shall be in addition to the valuation determined for agricultural land under subsection 1."

3. Urban Renewal (TIF)

Urban Renewal Use

PROBLEM: Urban renewal will lose its effectiveness as a targeted economic development tool if it is used extensively or for a prolonged period of time. Excessive or inappropriate use of TIF to fund urban renewal projects prevents local governments from realizing the benefits of expanding tax bases and places the burden for funding expanded services on existing taxpayers.

SOLUTION: All TIF districts, particularly those designated for eliminating urban slum or blight and those created prior to January 1, 1995, and designated for economic development, should be limited to a duration of 20 years from inception or the term of the bonded indebtedness as of January 1, 2009, whichever is greater. In the establishment and operation of TIF districts, local governments should not be allowed to act independently of other taxing jurisdictions that share the property tax base. If a TIF project cannot gain the support of all taxing jurisdictions, then individual entities should be allowed to rebate their portion of property taxes to the property owner. Anytime a TIF district issues new debt, the base year should be re-established as the year immediately preceding the debt issuance. Finally, tax abatement should be prohibited in TIF districts.

Rollback Applied to TIF Districts

PROBLEM: Iowa Code §403.20 requires the entire reduction in assessed value due to the rollback to be applied to the base value in a TIF district, and none to the increment value, until the base value is reduced to zero. (Base value is taxable by all taxing authorities and is the taxable portion that remains after taking out the increment valuation reserved for TIF projects.) This erosion of the base often results in non-TIF entities having a smaller tax

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base than before the TIF was created. This obviously is contrary to the intent of TIF law.

SOLUTION: Strike Iowa Code §403.20 and amend the urban renewal law in Iowa Code §403.19 to require rollbacks to be applied proportionately to base and incremental valuations to determine the taxable values of each. This may jeopardize current bonded indebtedness repayment, and in those cases the current incremental value should be exempt from the rollback provision until current bonded TIF debt is retired. New bonded TIF debt should have the rollback factor applied to the incremental value as well as the base value.

Removal of Negative Increment Parcels in TIF Districts

PROBLEM: Nothing prevents a TIF entity from removing from a TIF district a parcel that is losing value. Therefore, parcels can be added and subtracted to manipulate the highest possible increment value for the district. While this may serve the purposes of the TIF entity, it is unfair to the remaining local taxing jurisdictions, which are denied the benefits of increased taxable valuation. It is also an administrative hassle for counties, which must adjust records that are already complicated to maintain.

SOLUTION: Amend the urban renewal law in Iowa Code §403.19 to prohibit removing parcels from an active TIF district.

4. Uncouple Agricultural and Residential Property Valuations

PROBLEM: Under current law, the taxable value of residential property cannot increase more than 4% each year. The same is true for agricultural property. Additionally, the agricultural and residential property classes are “coupled,” or tied together. That means that in addition to the annual 4% growth limit, the value growth in one class cannot exceed the value growth in the other. So if the taxable value of agricultural property increases only 2% in one year, the taxable value of residential property is limited to a 2% increase that year as well. In recent years, the low or negative growth in agricultural valuations has held down the growth in residential valuations, driving the residential rollback well below 50% and shifting the tax burden on to commercial and industrial property. Further, making a homeowner’s property taxes dependent on agricultural market factors like the price of fertilizer, which is something that happens under the current coupling system, is illogical and complicates Iowa’s property tax system.

SOLUTION: Uncouple, or sever the tie between, agricultural and residential property valuations. Each class would still have a 4% limit on the annual increase in taxable valuation. Residential and agricultural property classes are both projected to have substantial rollbacks for each year in the near future. The taxable value in each class will grow at the annual maximum of 4% each year until the rollbacks again reach 100%, so the tie between the classes will have no effect for at least the next few years. Thus,

severing the tie now would have no immediate impact on taxpayers in either property class. Severing the tie would, however, bring some much-needed simplification to the Iowa property tax system.

5. Uniform Assessment Rules

PROBLEM: For assessment purposes, property in Iowa is supposed to be classified based on its “primary use.” When property is used for only one purpose, determining primary use is relatively easy. However, many properties in Iowa are used for multiple purposes. The problem is most apparent in rural residential areas where assessors have to determine what primary use is when a property is used both as a home and a small farm. Unfortunately, neither current law nor administrative rules provide sufficient guidelines for assessors to use in determining the primary use of property for classification purposes. Instead county assessors apply their own rules, which can lead to inconsistent classification and unfair taxation of property throughout the state.

SOLUTION: The Iowa Legislature should clarify classification guidelines for distinguishing between agricultural and residential properties. This would promote uniformity among assessing jurisdictions and lead to consistent and fair taxation across the state.

6. Bond Referendum Language

PROBLEM: Iowa Code §331.442 requires the language of a ballot proposition to issue general county purpose bonds to include three things: 1) the purpose of the project; 2) the amount of the bonds to be issued for that purpose; and 3) the total cost of the project. The requirement to identify in the ballot proposition the “total cost” of the project is unique to county bond issuances; cities and schools are required to identify only the purpose of the project and the total amount of the bonds to be issued for the project. The problem this total cost language causes is that many major projects are taken to a vote of the people before any formal plans and specifications are prepared, and certainly before any bids are sought from contractors. A county is working from estimates and is required to come up with a politically acceptable figure to put in the ballot proposition related to the total cost of a project for which the county has no definitive contract numbers. Later, after a proposition has been approved by voters, a county board of supervisors that has funds available to spend in addition to the proceeds of a bond issue may find itself unable to spend those other funds because the total cost of the project included in the ballot language is not high enough to cover the actual cost. This means that some elements of the project may have to be deleted. The bottom line is that counties may have to struggle to bring project costs within the total cost figure that was approved along with the bond issuance, while cities and school districts have no similar voter-approved limit on the total cost of a project.

SOLUTION: Amend the ballot language in Iowa Code §331.442(2) to say, “Shall the county of _____, state of

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Iowa, issue its bonds in an amount not exceeding the amount of \$_____ for the purpose of _____?" This language would mirror the language required for city bond issuances in Iowa Code §384.26(2). This language would NOT allow counties to issue bonds in an amount that exceeds the level stated in the ballot proposition; it merely allows counties to use other funds, if available and necessary, to supplement the bond proceeds for a given project.

7. Abolish the Local Government Budget Appeal Process

PROBLEM: Iowa law allows a small minority of county citizens (as few as 100) to appeal the county's budget. Upon appeal, a group of three state employees conducts a hearing and makes recommendations to the State Appeal Board, which ultimately decides whether to uphold or reduce the county's budget. This process violates principles of local control, home rule, and representative democracy. It takes the governing power out of the hands of locally elected officials and puts it in the hands of unelected state employees with no stake in the county's operations or services.

SOLUTION: Repeal the budget appeal provisions contained in Iowa Code §§ 24.27 – 24.32 and Iowa Code §331.436. Counties would still develop the budget in public sessions, publish their proposed budget in their local newspapers, and adopt the budget at a public hearing. This process would provide ample opportunity for citizen input, while ensuring that locally elected officials who are accountable to their local constituents make the final decision.

8. Property Tax Stabilization

PROBLEM: Current law limits the annual increase in the taxable value of the agricultural, commercial, and residential property classes to 4%. Other classes of property have similar limits. However, the limits do not apply to decreases in taxable value. In 2003, for example, the taxable value of agricultural property declined by 19% statewide. Because the annual increase in taxable value is limited to 4%, it would take a minimum of five years to recover the valuation loss that occurred in one year. The potential for drastic decreases in the tax base adds uncertainty to local governments' budgeting process and creates the potential for significant tax rate changes from one year to the next.

SOLUTION: Apply the 4% annual limit to valuation decreases as well as valuation increases in the agricultural, commercial, and residential property classes, and apply the relevant percent limit to valuation decreases in the other property classes too. This would stabilize the property tax base and add a level of certainty for both property taxpayers and local governments.

9. Repeal Condo Loophole

PROBLEM: Identical properties are being taxed at dramatically different rates just because one is called a condominium and the other is called an apartment. The

DOR has an administrative rule that classifies buildings with three or more separate living quarters as commercial property. However, there is a loophole. If an apartment is built as or converts to a multiple housing cooperative under Iowa Code chapter 499A or a horizontal property regime (condominium) under Iowa Code chapter 499B, it is classified as residential property and receives the benefit of the residential rollback. This is true even though all the units in the condominium building are still rented out like a regular apartment building. This causes two problems. First, there is the deterioration to the tax base as apartments convert to condos and cut their taxable values by more than half, or as new apartments are built as condos and taxed at less than half their full value. Second, there is the inequity between apartment buildings and condos. These properties are competitors; they serve the same purpose; they are for all intents and purposes identical. But one has a tax bill less than half the other just because it calls itself a condo. That is unfair.

SOLUTION: Add new subsection 13 to Iowa Code §441.21: Beginning with valuations established on or after January 1, 2009, as used in this section, "commercial property" includes all buildings that are intended for human habitation and contain three or more separate living quarters, which buildings are primarily used as commercial ventures, including apartments, multiple housing cooperatives under chapter 499A, and horizontal property regimes (condominiums) under chapter 499B, regardless of whether the separate living quarters comprise one parcel of real property or are separate parcels of real property. A building intended for human habitation is primarily used as a commercial venture if, in the majority of separate living quarters contained in the building, rent is paid by or on behalf of any occupant to the owner or any other party responsible for collecting rent on behalf of the owner, where the rent is generally understood to be the price of occupying the living quarters for a set period of time.

Also, amend Iowa Code §441.21(11) to read as follows: Beginning with valuations established on or after January 1, 1995, as used in this section, "~~residential property~~" ~~includes all land and buildings of multiple housing cooperatives organized under chapter 499A and~~ includes land and buildings used primarily for human habitation which land and buildings are owned and operated by organizations that have received tax-exempt status under section 501(c)(3) of the Internal Revenue Code and rental income from the property is not taxed as unrelated business income under section 422.33, subsection 1A.

10. Urban Revitalization (Property Tax Abatement)

PROBLEM: Some municipalities overuse the urban revitalization property tax abatement. This is circumventing the intent of the law and adversely affecting the taxing ability of other jurisdictions, such as counties and schools. Tax abatement also negatively affects state finances because of the school aid formula.

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SOLUTION: Amend the urban revitalization tax exemption law in Iowa Code chapter 404 so that the granting entity can only abate the taxes with the approval of all affected taxing entities. If any other taxing entity elects not to participate in the urban revitalization project, the granting entity may elect to reimburse its own portion of the taxes directly to the taxpayer(s) in order to provide the tax abatement.

11. Assessment of Cablevision

PROBLEM: Currently the local assessor in each jurisdiction assesses cablevision. Because of changing technology, cablevision no longer resides on its own "cable." Many companies are providing telephone and Internet access using the same fiber-optic cable. Telephone companies are centrally assessed by the DOR as utilities and the value is then distributed accordingly to each jurisdiction. It has become increasingly difficult for assessors to distinguish the necessary items to correctly assess cablevision property. This causes inconsistency of assessments among jurisdictions and leads to inequity for property owners.

SOLUTION: Change the provisions for utility companies to require the DOR to centrally assess all cablevision property and to include all cablevision providers.

12. Flood and Erosion Control Levy

PROBLEM: Iowa Code §161E.9 authorizes counties to levy a tax of up to \$0.0675 per thousand on all "agricultural lands" in the county for the purpose of flood and erosion control. The practical mechanics of county budgeting and tax systems, however, make it difficult to apply a tax upon only one classification of real property.

SOLUTION: Amend Iowa Code §161E.9 to read as follows: "The county board of supervisors may annually levy against all taxable property not located within the corporate limits of any city within the county a tax not to exceed an amount equal to six and three-fourths cents per thousand dollars of assessed value of all agricultural lands in the county, to be used for flood and erosion control..." This proposed language would maintain the tax's current revenue limit but allow for more efficient implementation.

13. Treasurers' Issues

Delinquent Taxes - Buildings on Leased Land

PROBLEM: When a building or improvement is owned by a person other than the owner of the underlying land, the taxes are a lien on the building or improvement until paid. When taxes are unpaid on such a parcel the only means of collection is an ordinary lawsuit.

SOLUTION: In addition to all other remedies and proceedings provided by law for the collection of taxes, add that the county treasurer may refuse to renew the registration of any and all vehicles registered to the applicant if the county treasurer knows, from information provided through the county system, that the person is the owner of record of a building or improvement with

delinquent tax owed to a county and the owner of the building or improvement is a person other than the owner of the land on which the building or improvement is located. If the county treasurer refuses to renew the applicant's registration, the county treasurer of the county where renewal of registration is applied for shall collect the delinquent tax for the county where the building or improvement is located. Upon payment of the required amount for the delinquent tax including applicable fees and penalties, an administrative fee as provided in Iowa Code §331.557A(3), and the registration fee, the county treasurer shall issue the registration to the person. The county treasurer to whom the delinquent taxes are paid shall update vehicle records to remove registration restrictions that have been satisfied or canceled by the county treasurer.

Delinquent Taxes - Mobile Homes

PROBLEM: If a person is delinquent with the taxes on his or her mobile home, treasurers can sell the title at tax sale. However, the titles frequently end up being picked up at the tax sale by the county. At the end of the redemption period when the taxes are not redeemed the county does not take title to the mobile home because it does not want to assume ownership of the mobile home.

SOLUTION: Add a remedy that the county treasurer may refuse to renew the registration of any and all vehicles registered to the applicant if the county treasurer knows, from information provided through the county system that the person owns a mobile home or manufactured home with delinquent tax owed to a county pursuant to Iowa Code chapter 435. If the county treasurer refuses to renew the applicant's registration, the county treasurer of the county where renewal of registration is applied for shall collect the delinquent tax for the county where the mobile home or manufactured home is located. Upon payment of the required amount for the delinquent tax including applicable fees and penalties, an administrative fee as provided in Iowa Code §331.557A(3), and the registration fee, the county treasurer shall issue the registration to the person. The county treasurer shall cancel the registration restriction for the person for each mobile or manufactured home parcel sold at tax sale pursuant to Iowa Code chapter 446, except for those mobile or manufactured home parcels sold at tax sale pursuant to Iowa Code §446.18. The county treasurer shall cancel the registration restriction for the person for each tax sale certificate of title issued pursuant to Iowa Code §435.25. The county treasurer to whom the delinquent taxes are paid shall update vehicle records to remove registration restrictions that have been satisfied or canceled by the county treasurer.

14. Notice of Right to Protest Equalization Order

PROBLEM: Iowa Code §441.49 requires county auditors to publish in official newspapers the DOR's final equalization orders. These orders often increase valuations and taxpayers may not be aware that they have the right to protest the application of these orders, just as they have the right to protest their original assessments.

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SOLUTION: Require the auditors' publication of equalization orders to include the following sentence: "Taxpayers may protest the application of the final equalization order by filing an appeal with their county board of review between [legal filing dates]."

15. Manufactured Home Taxes

PROBLEM: Taxes on manufactured homes have not changed for over twenty years, while real estate taxes have experienced significant increases. A stick-built home of equal square-footage pays much higher taxes than a comparable manufactured home. A manufactured home pays \$0.20 per square foot annually for the first six years, \$0.18 for the next four years, and \$0.16 per square foot thereafter.

SOLUTION: Raise the annual square-footage tax on manufactured homes to \$0.30 for the first six years, \$0.26 for the next four years, and \$0.22 thereafter.

16. Fence-Viewing Assessments

PROBLEM: Fence disputes come up rarely, and the current code dealing with the situation is not very clear, referring to this as a tax, when it is actually a rate or charge. A simple clarification of how to proceed to collect the rate or charge created by fixing a fence problem needs to be enacted.

SOLUTION: Amend Iowa Code chapter 359A.6 as follows: 359A.6 Default – costs and fees collected as ~~taxes~~ an assessment.

If the erecting, rebuilding, or repairing of such fence be not completed within thirty days from and after the time fixed therefore in such order, the board of township trustees acting as fence viewers shall cause the fence to be erected, rebuilt, and repaired, and the value thereof may be fixed by the fence viewers, and unless the sum so fixed, together with all fees of the fence viewers caused by such default, as ~~taxed~~ assessed by them, is paid to the county treasurer, within ten days after the same is so ascertained; or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and said sum, together with the fees of the fence viewers, as ~~taxed~~ assessed by them, remains unpaid by the party in default for ten days, the fence viewers shall certify to the county ~~auditor~~ treasurer the full amount due from the party or parties in default, including all fees and costs ~~taxed~~ assessed, together with a description of the real estate owned by the party or parties in default along or upon which the said fence exists, and the county ~~auditor~~ treasurer shall enter the same upon the ~~tax list~~ county system and the amount shall be collected as ~~other taxes~~ special assessments according to Iowa Code §384.84. Upon certification, the assessment shall be a lien on the parcel until paid.

17. Local Option Income Tax

PROBLEM: Under current Iowa law (Iowa Code chapter 423B), cities and counties have two options to raise local option revenues. They are the local option sales tax and

the local vehicle tax. Both of these options are regressive ways to raise public revenues. By regressive, we mean that both of these taxes require lower- and middle-income residents to pay a greater percentage of their income than higher-income residents.

SOLUTION: Iowa Code §§257.19, 257.21, 298.2 and 298.14 allow school districts to collect a surcharge on the Iowa income tax from residents of the school district. The income tax is a progressive tax that requires higher-income residents to pay a higher percentage of their income than lower- and middle-income residents. Adding an income tax surcharge to the options available to cities and counties would give the officials in those jurisdictions a progressive option to raise revenues.

transportation

Policy Statements

Control of County Rights-of-Way

Present law is vague on the extent of authority the counties have to control activities within the right-of-way such as burning, brush cleaning, and the placement of utilities. Yet the county is often held liable for these activities, 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.

Increased Vehicle Weights

In recent years, there have been proposals to lessen restrictions on a vehicle's gross and/or allowable axle weights. While any increases in vehicle weight limitations causes damage to Iowa's roadways and bridges, the variance from any restrictions on axle weight limitations creates a condition of extreme danger to Iowa's bridges and those who use the bridges. Unlimited axle weights make it impossible to determine the safe capacity of any bridge. ISAC opposes unreasonable increases in allowable gross vehicle weights and any increase in allowable axle weight restrictions.

Eminent Domain

Condemnation is used as a last resort by Iowa counties. In some circumstances, most often to acquire land for roads that are essential for the economy of rural Iowa, condemnation is used. ISAC opposes any attempt to weaken the counties' 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 in using eminent domain for this purpose. 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.

Additional Fee for Drivers Licensing and State Issued ID Cards

The state auditor's office has issued a report indicating the cost of the county program for issuing drivers' licenses is approximately \$1 million per year more than the amount of fees retained by the counties. Additional increases in the cost of issuing state IDs will be created as the federal Real ID Act is implemented in Iowa. Raising the retained fee for issuance of IDs from the current \$7.00 per card issued will result in an adverse impact to the Road Use Tax Fund (RUTF). ISAC supports creating a testing or certificate fee to cover the increasing cost of document issuance to be retained by the issuing office.

Continuation of Bottle and Can Deposit Law

2009 marks the 31st anniversary of Iowa's Beverage Containers Deposit Law, known as the "Bottle Bill." The result has been 31 years of cleaner roadways, parks, and

streams. This has reduced the litter removal costs to highway and park departments, resulting in tax savings to the citizens of Iowa. The easy access to recyclers is essential for this success to continue. ISAC strongly opposes any attempt to drop or modify the current law that would result in a resumption of the careless littering of highways and parks. ISAC further supports any effort to expand the current law to include all beverage containers, required acceptance of empties by retail outlets, and an increase in the deposit or handling fees. Any increase in handling fees should be used to support and encourage bottle and can recycling centers. ISAC would oppose any legislation where an increase in the redemption fee is used to fund projects not related to the recycling of beverage containers.

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 proposed in the Iowa Geospatial Infrastructure program. ISAC encourages continuing efforts toward building partnerships and the identification of funding for a sustainable and integrated GIS at all levels of government. It is these types of efforts that will benefit government entities at all levels, large or small.

Limitation of Highway Authorities Liability for Non-Vehicular Traffic Used on Public Highways

While improved liability waivers and insurance for organized rides is providing some comfort for secondary roads officials whose roads host organized rides, Iowa counties remain concerned that the Crawford County lawsuit may have ramifications for highway maintenance. Liability issues surrounding individual use of county highways by cyclists and other non-motorized road users still have not been addressed. 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 conventional vehicles. ISAC is supportive of efforts to clarify that public liability for roadways will only be attached when a roadway is not maintained to a standard appropriate for motor vehicles.

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 their existing road and street systems. ISAC supports the current distribution formula of 47.5% to IDOT, 24.5% to counties, 8% to the county farm to market fund, and 20% to the cities. History has shown that the distribution of vehicle miles of travel has remained constant for the past 19 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 dol-

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lars that become available to the RUTF. Currently there is a \$392 million dollar cap on the RUTF. Revenues above this level would go into the TIME 21 formula of 60% to IDOT, 20% to counties, and 20% to cities regardless of whether the excess beyond \$392 million is generated by TIME 21 revenue sources or former RUTF revenue sources. New dollars, beyond \$200 million generated by 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.

Alternative Funding for County Roads

County roads are increasingly being subjected to loads which are causing excessive damage due to changes in farming practices and the development of biofuels and large confinement operations. Roads that were designed to “get Iowa out of the mud” are 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. 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 vehicles and facilities. ISAC recommends that these additional revenue options be in the form of surcharges, impact fees, or licensing fees for 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, and 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.

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Legislative Objectives

1. Funding of TIME 21

PROBLEM: Maintaining and improving Iowa's roads and bridges are a vital part of continuing to grow the state's economy and every road jurisdiction is struggling to fund their portion of the road system. These funding problems have been exacerbated by last year's harsh winter and the floods during the spring and summer. TIME 21 seeks to focus \$200 million on the priorities set by the TIME 21 study. For counties, eligible priorities include construction of bridges and the farm-to-market road system. The state and the cities have no similar constraints on spending TIME 21 funds. The policy for funding TIME 21 was set by legislation during the 2007 session and partial funding passed during the 2008 session.

SOLUTION: ISAC supports the following in regard to TIME 21:

- A. Immediate funding of TIME 21 at the recommended \$200M level through an increase in the fuel tax, and a combination of other road related revenues including consideration of a 1% increase in the fee for new vehicle registration;
- B. Establishment of the \$200 million cap on the TIME 21 fund, as was agreed to by the counties, cities, and DOT, which specifically designates that once the \$200 million cap is reached, additional revenues shall be deposited in the Road Use Tax Fund;
- C. Increased flexibility in how the county portion of TIME 21 revenue may be spent, including allowing for maintenance of bridges and farm-to-market roads, in addition to construction, and allowing for use on secondary roads.

2. Driver's License Stations

PROBLEM: County driver's license stations fall short in funding forcing the local taxpayers to subsidize the driver's license station with tax receipts.

SOLUTION: Allow county treasurers to charge up to a \$3.00 "service fee" for each transaction in order to make the drivers license stations self-sufficient.

3. Littering and Illegal Dumping of Solid Wastes

PROBLEM: In recent years, due to the enactment of mandatory recycling regulations and increased tipping fees at landfills, littering and the illegal dumping of solid wastes (tires and white goods) along our roadsides has increased. The landfill expense to properly dispose of these items has become a major expense to highway authorities. Road money should be spent on construction and maintenance of roads and bridges, not garbage collection and disposal.

SOLUTION: Enact laws making the generator of solid waste/garbage responsible for the proper disposal of those items. The prosecution of traceable garbage should be made easier. In addition, the problem of discarded tires, appliances, and other similar items needs to be further

addressed. With the success of the can deposit law, the enactment of a similar deposit law is needed. The addition of a disposal fee, payable at the time of purchase could cover the costs of proper disposal.

4. Renewal of Firefighter Plates

PROBLEM: Customers with firefighter plates often do not have an "application" from their fire chief in order to renew motor vehicle registration, as required by Iowa Administrative Code §401.9(2). A new application is required in order to renew firefighter plates to a current member. The application shall be submitted to the county treasurer's office.

SOLUTION: Add the following to Iowa Administrative Code §401.9(2): "Fire Chief shall submit annual report to county treasurers listing current eligible fire fighters to fulfill this requirement and shall submit updates as required."

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