

# 2017 Legislative Priorities

87th General Assembly, 1st Session



# 2017 Legislative Priorities

87th General Assembly, 1st Session

## Table of Contents

ISAC Legislative Policy Committee .....	3
ISAC Government Relations Team .....	3
<b>2017 Top Legislative Priorities</b>	
Mental Health and Disability Services .....	4
Natural Resources and Outdoor Recreation Trust Fund .....	4
Food Safety .....	5
Water Quality Management .....	5
Distracted Driving .....	5
<b>Legislative Objectives</b>	
Casino Smoking Ban .....	6
Delinquent Mobile Home Taxes .....	6
County Veterans Affairs Structure .....	6
Emergency Management as Public Safety .....	6
DOV Filing on LLC Transfers .....	6
Federal Tax Liens .....	6
First Responders Safety Act .....	7
Funding for Co-Location of DHS Staff in County Office Space .....	7
Local Public Health Funding .....	7
Master Matrix Review Fee .....	7
Publishing Notices .....	7
Salary of Deputy County Auditor .....	8
Secondary Roads .....	8
Security Interest Provisions .....	8
Surviving Owner Title Transfer .....	8
User Fees .....	9



5500 Westown Parkway, Suite 190  
West Des Moines, IA 50266  
Phone: 515.244.7181  
Fax: 515.244.6397

[www.iowacounties.org](http://www.iowacounties.org)

The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation that was incorporated on October 8, 1964. Senate File 37, which was adopted on June 30, 1971, allowed counties to pay member dues to the organization. ISAC members are elected and appointed county officials from all 99 counties. Counties pay voluntary dues to belong to ISAC in return for a number of services, such as education and training, benefit programs, technical assistance and government relations. ISAC members participate in one of 16 different statewide affiliated associations corresponding to each county office.

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

# 2017 Legislative Policy Committee

The 2017 ISAC Legislative Priorities were developed by the ISAC Legislative Policy Committee (LPC). This committee is composed of two representatives from each affiliate and is chaired by Lonny Pulkrabek, Johnson County Sheriff and ISAC 2nd Vice-President. The committee has worked together to create a short and cohesive set of legislative objectives for ISAC to pursue in 2017.



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



The 2017 Legislative Objectives, Policy Statements (available on the ISAC website) and ISAC Top Priorities recommendations were presented to the ISAC Board of Directors, which voted on October 28 to recommend them to the full membership. The full membership approved the legislative package during the General Session at the ISAC Fall School of Instruction on November 30, 2016.

## 2017 ISAC LPC Committee Members

**Committee Chair:** Lonny Pulkrabek, Johnson County Sheriff and ISAC 2nd Vice-President

### Assessors

Dale McCrea, Muscatine County  
Deb McWhirter, Butler County

### Engineers

Lyle Brehm, Tama/Poweshiek County  
Dan Eckert, Dickinson County

### Sheriffs and Deputies

Jay Langenbau, Worth County  
Jared Schneider, Washington County

### Auditors

Ken Kline, Cerro Gordo County  
Dennis Parrott, Jasper County

### Environmental Health

Eric Bradley, Scott County  
Brian Hanft, Cerro Gordo County

### Supervisors

Carl Mattes, Humboldt County  
Burlin Matthews, Clay County

### Community Services

Lori Elam, Scott County  
Shane Walter, Sioux County

### Information Technology

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

### Treasurers

Terri Kness, Jefferson County  
Tracey Marshall, Cass County

### Conservation

Dan Cohen, Buchanan County  
Matt Cosgrove, Webster County

### Public Health

Doug Beardsley, Johnson County  
Lynelle Diers, Wapello County

### Veterans Affairs

Gary Boseneiler, Johnson County  
Chris Oliver, Wright County

### County Attorneys

Darin Raymond, Plymouth County  
Matt Wilber, Pottawattamie County

### Recorders

Megan Clyman, Davis County  
Kris Colby, Winnebago County

### Zoning

Joe Buffington, Henry County  
Josh Busard, Johnson County

### Emergency Management

Thomas Craighton, Franklin County  
Dave Wilson, Johnson County

# ISAC Government Relations Team



## Jamie Cashman

Government Relations Manager  
[jcashman@iowacounties.org](mailto:jcashman@iowacounties.org)  
515.250.9845

## Lucas Beenken

Public Policy Specialist  
[lbeenken@iowacounties.org](mailto:lbeenken@iowacounties.org)  
515.408.1780

# ISAC Top Priorities

## • Mental Health and Disability Services

### • Natural Resources and Outdoor Recreation Trust Fund

### • Food Safety • Water Quality • Distracted Driving

## Mental Health and Disability Services

**PROBLEM:** Counties are facing continuing funding challenges regarding the regional mental health and disability services (MH/DS) system. With the lack of equalization funding again in 2016 along with dwindling cash reserves, MH/DS regions are going to find it difficult to maintain current services, let alone provide the expanded core plus services and expanded populations envisioned by redesign. This current method of funding MH/DS is forcing unfunded mandates on counties and regions and forcing them to pay for on-going expenses with one-time resources.

**SOLUTION:** ISAC recommends that the Legislature:

1. Provide adequate and sustainable funding to allow the regions to have the resources necessary to support and manage core services. Further, a long term funding solution should be found that gives MH/DS regions through counties the ability to levy the necessary amount to fund these services to complete the final piece of mental health redesign. This stable funding in the system will give providers the ability to develop long term business plans that will ensure a consistent level of coverage of MH/DS statewide.
2. Remove the 1996 MH Levy Cap that is limiting specific counties from generating adequate property tax revenue to cover the costs of providing core services to Iowa citizens. This artificial cap is also causing an inequity between counties when it comes to equitable funding sources within each MH/DS region.
3. The 2017 Iowa Legislature should provide for adequate levels of MH/DS outside of the correctional system. These services would include the necessary number of “psychiatric beds” in our mental health facilities and hospitals to address acute care needs.
4. The 2017 Iowa Legislature should provide sufficient funding for the effective implementation of a Children’s Mental Health/Disability Services program.

## Natural Resources and Outdoor Recreation Trust Fund

**PROBLEM:** Iowa’s natural resources need a consistent and protected funding source. Lack of funding translates into fewer investments that are important to the quality of life and economic activity in Iowa communities.

**SOLUTION:** ISAC recommends the following:

1. Passing a statewide sales tax increase of at least 3/8 of a penny in support of the Natural Resources and Outdoor Recreation Trust Fund, or I-WILL, as it’s commonly known.
2. Maintaining the formula distribution provided by the Iowa Legislature in Iowa Code Chapter 461 in preparation for the successful passage by Iowa voters of the Water and Land Legacy Constitutional Amendment of 2010.
  - Natural Resources Account created in the “trust fund” to be used by the Iowa Department of Natural Resources - 23%
  - Soil Conservation and Protection Account created in the Trust Fund to be used by the Department of Agriculture and Land Stewardship - 20%
  - Watershed protection - 14%
  - Iowa Resource Enhancement and Protection (REAP) Fund - 13%
  - Local conservation partnerships - 13%
  - Land based trails - 10%
  - Lake restoration - 7%

# ISAC Top Priorities

- **Mental Health and Disability Services**
- **Natural Resources and Outdoor Recreation Trust Fund**
- **Food Safety**      • **Water Quality**      • **Distracted Driving**

## Food Safety

**PROBLEM:** In the past 37 years, the Legislature has only increased food licensing fees twice. Both times, the increase was not enough to cover the cost of operating the inspection program. Because of the low fees, many counties have returned the food program to the Department of Inspection and Appeals (DIA) which has forced DIA to take back other contracts to obtain additional license fees to afford inspecting the returned jurisdictions. In 2009 DIA inspected 23 counties, and now, DIA inspects 52 counties. Because of the low fees, DIA has lowered its inspection frequency two times in the past three years. Inadequate and irregular license fee increases are degrading Iowa's food safety system and have the potential to put the health and lives of the consuming public at risk.

**SOLUTION:** Increase food licensing fees to fully fund food safety program activities in compliance with Iowa Code. DIA should be authorized to administer the food licensing fees through the Iowa Administrative Code.

## Water Quality Management

**PROBLEM:** It has been well documented by numerous sources that there is a need to provide adequate, sustainable, dedicated state financial resources to address the state-wide concerns related to Iowa's water quality management issues. Specific concerns are the high level of nitrates and phosphorus that are entering our water system. In addition, there are on-going issues that must be addressed in our efforts to minimize future financial losses caused by flooding through effective flood mitigation programs.

**SOLUTION:** ISAC recommends the following:

1. The identification of additional financial resources to be used to address the Water Quality Management issues. Specifically, ISAC would:
  - Encourage significant funding for, and the aggressive implementation of, a "revolving loan" program so that critical funds could be used for multiple projects throughout the years ahead.
  - Encourage a significant amount of funding be utilized to assist cities and towns in their efforts to upgrade their water treatment facilities.
2. The implementation of, and funding for, a network of statewide Watershed Management Authorities established by 28E agreements. These Watershed Management Authorities could coordinate efforts to upgrade their water treatment facilities.
3. Legislation to support water mitigation projects in both the public and private sectors.

## Distracted Driving

**PROBLEM:** Distracted, inexperienced and impaired driving, as well as other factors result in hundreds of deaths on Iowa's roadways each year. While there is no simple solution to reduce the number of highway fatalities, there needs to be an enhanced effort on the awareness of the dangers of distracted and impaired driving.

**SOLUTION:** ISAC supports legislation to prohibit the use of a hand-held electronic communication devices while operating a motor vehicle and to make the use a primary offense.



# ISAC Legislative Objectives

## **Casino Smoking Ban**

**PROBLEM:** The Iowa Smoke Free Air Act states that “environmental tobacco causes and exacerbates disease in nonsmoking adults and children....sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect public health and the health of the employees.” Despite this statement, the Smoke Free Air Act specifically exempts restrictions being placed on smoking in casinos.

**SOLUTION:** Amend the Iowa Smoke Free Air Act to eliminate the casino exemption and allow casino employees the same workplace protections as all other Iowans.

## **Delinquent Mobile Home Taxes**

**PROBLEM:** The collection of delinquent mobile home taxes is an issue for most counties in the state and there is little interest by private buyers in purchasing the delinquent taxes during a tax sale.

**SOLUTION:** Amend Iowa Code §321.40 to include that the county treasurer may put a stop on vehicle registrations and renewals if the applicant has failed to pay local mobile home taxes due in any county until the mobile home taxes have been paid.

## **County Veterans Affairs Structure**

**PROBLEM:** Language that prohibited a board of supervisors or a county commission of veteran affairs from placing the administration of the duties of the commission and the veterans service officer under any other agency of the county was omitted when accompanying language was moved to another Iowa Code subsection in 2014. The veterans service officers should be governed by the county commission of veterans affairs for administrative purposes and the board of supervisors for budget approval.

**SOLUTION:** Place the following previously omitted language in a new subsection in Iowa Code §35B.6: “It shall be unlawful for any county board of supervisors or any county commission of veteran affairs to place the administration of the duties of the county commission of veteran affairs under any other agency of any county.”

## **Emergency Management as Public Safety**

**PROBLEM:** Existing Iowa Code does not identify Emergency Management as a public safety agency and is inconsistent with federal statute.

**SOLUTION:** Amend Iowa Code §34A.2(15) to include emergency management in the definition of “Public or private safety agency, and Iowa Code §29C.2(6) “Local emergency management agency.”

## **DOV Filing on LLC Transfers**

**PROBLEM:** When a property is sold in Iowa the purchase details are required to be made public. Real estate investors often create a limited liability company (LLC) and place the ownership of the property in the name of the LLC. When a sale occurs a disclosure of the real estate sale details is not required because there is no ownership change in the property, only the transfer of the LLC. While the creation of an LLC is beneficial to the owner for limiting liability and exposure, it is problematic in that local governments, the state, and the public are disadvantaged by not having full information about real estate sale prices in the marketplace. Additionally, real estate professionals, appraisers, and lenders do not have a full and accurate picture of the true market value of a property or portfolio of real estate when sale information is not made public.

**SOLUTION:** Amend Iowa Code §489.407A by adding a subsection that requires a sale price disclosure statement for a transaction involving an LLC as transferor or transferee that is exempt from payment of a real estate transfer tax. The sale price disclosure statement should reflect the sale price of the real estate without regard to additional consideration stated on the instrument of transfer. The sale price disclosure statement should be recorded with the instrument of transfer.

## **Federal Tax Liens**

**PROBLEM:** County recorders are required to file or record notices of federal liens, certificates, and notices affecting the liens, and for notices filed or recorded on or before July 1, 1989, a file containing the notices must be kept. Recorded documents are contained in an index book, on microfilm, or in an electronic format, or some combination of the three. Keeping paper copies of the original document, some over 50 years old, is burdensome, redundant, and unnecessary.

**SOLUTION:** Amend Iowa Code §§331.609(5) and 331.609(6) to allow the original instrument to be returned to the sender or disposed of if there is a microfilm, electronic, or official copy of the original retained in the office of the recorder.



# ISAC Legislative Objectives

## **First Responders Safety Act**

**PROBLEM:** During some emergencies and disasters, mandatory evacuations are required to protect lives. Gas and electrical utilities pose a threat to those who refuse to evacuate and to emergency and recovery personnel who are responding.

**SOLUTION:** To protect citizens and first responders, ISAC supports legislation requiring utilities to temporarily stop service within mandatory evacuation zones. In addition, ISAC supports requiring the Iowa Utilities Board to annually provide a current, searchable mapping system that is either Internet-based or provided in hard copy to all local 911 centers, state homeland security and emergency management, and to local emergency management commissions that will identify what utility company provides electrical and/or natural gas services to a structure by address.

## **Funding for Co-Location of DHS Staff in County Office Space**

**PROBLEM:** Iowa Department of Human Services (DHS) regionalization and globalization has forced larger counties to house more state employees and support services in order to provide services to small counties in the DHS region. This reorganization has created efficiencies for state government but has increased the cost to those counties that have larger offices. This has resulted in a continuing cost shift from the state to county government in the housing of these field offices.

**SOLUTION:** ISAC supports an increase of the reimbursement rate to counties that house regional DHS offices.

## **Local Public Health Funding**

**PROBLEM:** The Local Public Health Services Grant (LPHSG) funding provides gap-filling services to low-income, elderly or other Iowans with special needs to prevent unnecessary nursing home and hospital admissions, supports communicable disease follow up and investigation, provides basic infrastructure support for local boards of health, and provides other essential services to protect the health of Iowans. The legislature has given broad authority, responsibility and expectations to local boards of health, but the funds to support these activities have been declining. Funding for LPHSG has been reduced from \$10.6 million in FY 2007 to less than \$8.5 million in FY 2017, a 20.5% decrease. Local boards of health are faced with asking for more support from local property tax dollars, a choice that is less attractive and feasible in the face of property tax reform, or by reducing services, which puts more Iowans at risk of unnecessary and more costly institutionalization.

**SOLUTION:** In order to maintain a public health system that is proactive in preventing disease, promoting health, and responding to prioritized needs identified by local communities, we recommend that LPHSG be restored to \$12.62 million in FY 2018, which represents the FY 2007 level adjusted for a 2% cost of living increase per year.

## **Master Matrix Review Fee**

**PROBLEM:** Counties that have adopted a Construction Evaluation Resolution (CER) are required by Iowa Code to perform certain duties within a specified time frame in their review of Concentrated Animal Feeding Operations that are subject to the Master Matrix. Counties expend significant staff time and resources in this review, yet are not authorized to collect an application fee to offset those costs, so the cost of the review process is subsidized by all county taxpayers. Furthermore, if an applicant fails to earn the required points on the Master Matrix they will likely withdraw the application and re-submit when the deficiencies have been addressed, but they have already used a significant amount of staff time and resources for the review. This could be resolved if counties were authorized to conduct a pre-application review in order to identify deficiencies that could be fixed prior to the formal submittal by the applicant.

**SOLUTION:** Amend Iowa Code §459.304 to enable counties to collect a Master Matrix review fee and to enable counties the option to require a pre-application review of an applicant's Master Matrix score prior to the formal submittal by the applicant of a Construction Permit Application to the Iowa Department of Natural Resources.

## **Publishing Notices**

**PROBLEM:** It is a costly requirement for counties to publish all notices in newspapers. Counties currently spend in excess of \$3 million per year in taxpayer dollars publishing various notices and other required documents in the newspaper. There are other options that would be much less costly and more accessible to local citizens.

**SOLUTION:** ISAC supports changes to Iowa's Open Records Law that would allow local governments to publish abbreviated notices in the newspaper with a reference to how the entire document may be accessed, including having the document mailed to the constituent upon request; allowing counties to designate only one official newspaper for publication purposes; and allowing publication of resolutions by reference, utilizing a summary statement and informing citizens that the entire text is available for their review.

# ISAC Legislative Objectives

## Salary of Deputy County Auditors

**PROBLEM:** According to Iowa Code §331.904, the Deputy County Auditor assigned to Election Administration is restricted to the cap of no greater than 80% of the Auditor's salary. Conducting elections has become more complex since the passage of the Help America Vote Act (HAVA) and those assigned to the administration have not been properly compensated.

**SOLUTION:** Amend Iowa Code §331.904 to add "the deputy in charge of election administration" to the list of deputies that can receive up to 85% of the deputy's principal officer.

## Secondary Roads

**PROBLEM:** Iowa's roads and bridges are a vital component of the continued growth of the state's economy, and every road jurisdiction has struggled to adequately maintain its portion of the road system. The increase in the per gallon fuel tax and permit fees for oversize and overweight vehicles will help address this problem, but the cost of building and maintaining roads continues to increase. In addition to general inflation, Iowa's road maintenance issues have been exacerbated by harsh winters, floods, and heavy equipment usage. Counties are limited in the amount of general fund dollars that can be transferred to be used for secondary roads and bridges, so they are dependent on state and federal funds for critical infrastructure maintenance and repair. Due to the past shortfall in road funding, counties have turned to bonding in order to provide critical funding for maintenance of roads and bridges. These bonds are repaid with property tax revenues, contrary to the state's goal of reducing property tax expenditures throughout the state. Additionally, the use of bonds fails to capture funding from the out-of-state vehicles impacting Iowa's roads. While the fuel tax and permit fee increases will help fund future road and bridge repair and maintenance, more can be done to provide ongoing, stabilized funding.

**SOLUTION:** ISAC recommends the following:

- ISAC supports legislation that would enable the Iowa Department of Transportation to provide primary highway funds to counties and cities in lieu of federal funds. This swap would provide efficiencies for state and local governments as the state is better equipped to comply with federal regulations and would no longer have to oversee and audit federal dollars used at the local level.
- The Transportation Investment Moves the Economy in the 21st Century (TIME-21) law seeks to focus \$225 million on the priorities set by the TIME-21 study. The \$225 million cap to the TIME-21 Fund must be maintained, and increased revenues in excess of this cap should be distributed through the Road Use Tax Fund formula.
- ISAC supports the application of the state excise sales tax on dyed fuel sales, and designating revenue from this source for bridge and culvert repair and replacement on the secondary road system.

## Security Interest Provisions

**PROBLEM:** When a security interest in a vehicle is discharged the holder is required to note the cancellation of the security interest on the face of the certificate of title over the holder's signature and deliver it to the county treasurer. Because 23 states allow the release to appear on the title or on a separate lien release form or letter and an additional seven states require the lien to be released via a separate form, lenders are increasingly sending the title with a release form but without noting the cancellation on the face of the title. This creates an administrative burden and delays, because the county treasurer must send it back to the holder to properly note the cancellation.

**SOLUTION:** Amend Iowa Code §321.50(5)(a) to allow the holder of the security interest to provide a separate notarized lien release form or letter along with the title to the county treasurer when the security interest is discharged.

## Surviving Owner Title Transfer

**PROBLEM:** The owner of a vehicle is required by the Department of Transportation to remove the name of a deceased co-owner from the vehicle's title. Unless the owner is a surviving spouse they must pay the certificate of title fee. Legislation passed in 2011 provided this exemption for surviving spouses but not for surviving co-owners.

**SOLUTION:** Amend the final sentence of Iowa Code §321.47(2) to read "The department shall waive the certificate of title fee and surcharge required under Iowa Code §§321.20, 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person entitled to possession and ownership of a vehicle, as provided in this subsection, is the surviving spouse of a decedent or listed as a co-owner on the certificate of title."



# ISAC Legislative Objectives

## **User Fees**

**PROBLEM:** Property tax reform passed in 2013 will take an estimated \$761.9 million out of county property tax revenues over the next 10 years. Counties provide necessary services and meet ever-increasing state mandates with property tax revenues. Adequate funding for roads, mental health and disability services, local public health, the Environment First Fund, the Rural Enhancement and Protection (REAP) program and emergency management are areas of concern for counties. There are a number of services that counties provide to the public that are subsidized by property taxes because the fees charged to the customers are not adequate to pay for the service. Many fees have not been raised in years, and the increased expenses are funded by the property taxpayer. This is an area that could be addressed by either increasing fees or by providing additional state funding to take the burden off of property taxes.

**SOLUTION:** Provide avenues for additional self-funding for county government. Options include allowing counties to impose a local option income tax surcharge and authorizing counties to establish the fee for fee-based services. Examples of fees that are controlled by the state and that need adjustment include the following:

- Parking fine and court debt collections – allow counties to charge \$5 for collecting delinquent parking tickets for cities and debts for the court system; and
- Civil fees - increase sheriff's civil fees for the provision of services in civil actions to better reflect the costs of carrying out these duties.



Iowa State Association of Counties  
5500 Westown Parkway, Suite 190  
West Des Moines, IA 50266  
Phone: 515.244.7181  
Fax: 515.244.6397

[www.iowacounties.org](http://www.iowacounties.org)