

2017 ISAC Legislative Policy Committee

Legislative Proposals

August 22, 2017

Contents:

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Community Services

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Miscellaneous proposals are submitted by individual ISAC members.
They have not been vetted by an ISAC affiliate or committee.

Assessor as an Appointed Office

The assessor is charged with many administrative and statutory duties. The primary duty and responsibility of the assessor is to make certain all locally assessed real property within the jurisdiction is assessed at market value except where the law provides otherwise. Each assessor is required to pass an initial examination, as well as a program of continuing education and testing. In addition to these standards, assessors are subject to a system of checks and balances including state oversight by the Department of Revenue, an equalization process to insure assessment levels are within guidelines established by law and a clear process for property owners to protest the assessed value. With these requirements in place for duties, education, and oversight, and the professional nature of the office, ISAC supports maintaining the appointment and governance of the assessor by the conference board and opposes politicizing the position by making it an elected position or subject to a retention vote.

Maintaining the Composition of the Conference Board

The conference board consists of elected officials from the three largest property taxing jurisdictions (schools, cities, and counties) and is responsible for appointing the assessor, approving the assessor's budget, and acting as a governance board for the assessor. Members of the conference board represent the property taxpayers of their respective jurisdictions and the voters that elected them in fulfilling these duties. Adding individual property owners as voting members of the conference board, especially if they make up their own voting unit equal to that of the combined vote of all representatives from the taxing entities, is contrary to the roles and responsibilities of the conference board as an independent governance board without personal interest and contributes to the politicization of the office of the assessor. ISAC supports maintaining the current composition of the conference board.



Legislative Request Form

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Please fill out the form as completely as possible

Date of Submission:

1. Title: Closing the Polls at 8:00 p.m. for Primary and General Elections

2. Describe the problem.

Poll workers work 16 hour days for primary and general elections, that is too much. Auditor's staffs work 20 plus hours on those days and for both staff and poll workers the propensity for errors increase that later the day gets. The media, the public, political parties and candidates are increasingly calling for earlier and quicker results. Only 3 states (Iowa, New York and North Dakota) have a 9:00 p.m. poll closing time.

3. History of the problem.

Iowa law mandates that the polls must be open from 7:00 a.m. until 9:00 p.m. for primary and general elections.

4. Why does the problem need legislative resolution?

Iowa law 49.73(2) states that the polls must be open from 7:00 a.m. until 9:00 p.m. for primary and general elections.

5. What is the suggested solution? Please include code references.

Iowa Code Section 49.73(2) should be changed to read "The polling places shall be closed at ~~9:00~~ 8:00 p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at 8:00 p.m. for all other elections."

6. Who will support the legislation? Who will oppose it?

Potential supporters: Auditors, SOS.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

None in recent times.

8. Does this issue or problem have statewide effects and why?

YES

9. What data needs to be collected to support the issue?

Possibly the amount of money that could be saved.

10. Contact Person

Name:
Office:
County
Telephone:
E-Mail:

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, IA 50266

or

jcashman@iowacounties.org



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Date of Submission: 5/31/2013 & 6/26/2014

1. Title: Publication of Resolutions of Board of Supervisor-Summary versus entire text.

2. Describe the problem.

Paraphrasing Iowa Code Chapter 331.504 with regard to minutes of the board, the Auditor is required to record all actions taken by the board and complete text of the motions, resolutions, amendments, and ordinances adopted by the board. Per Iowa Code Chapter 331.303, 331.504.6, 349.18 and 618.3 a copy of the proceedings of the board are required to be published in official newspaper(s) of the county.

Oftentimes, resolutions are very lengthy and costly to publish. For example, the text in a resolution prepared by a bond attorney may be several pages. Many resolutions have multiples of "whereas" and "therefore" statements whereby a summary may likely be much more understandable to the general public.

3. History of the problem.

With respect to resolutions, some counties publish the entire text and some publish a summary but make available the entire text of the resolution in the auditor's office. Some who publish a summary offer a statement in the publication to the fact that the entire text is available in the auditor's office. Some audit firms have deemed a summary of the resolution for publication purposes as acceptable and sufficient; others deem the full text is required.

4. Why does the problem need legislative resolution?

Legislative changes to the Iowa Code would be required to allow for resolution summaries rather than the full text to be published in newspapers. Although many counties already make available board proceedings on county websites, legislatures may consider an opportunity to establish law that would encourage counties to utilize web-based access to reach out to the public for those who do not subscribe to a newspaper. An extension of that could allow for the publication of full text resolutions on websites in lieu of newspapers.

5. What is the suggested solution? Please include code references.

Revise Iowa Code 331.504.1 and/or 331.504.6 to allow for publication of resolution summary and the minimum requirements of the summary, similar to what is provided in Iowa Code Chapter 331.302.8 for ordinances, i.e. a "summary" shall mean a narrative description...setting forth the main points...the description shall include the title...an accurate and intelligible abstract or synopsis of the essential elements...a statement that the description is a summary...the narrative description shall be written in a clear and coherent manner and shall,

to the extent possible, avoid the use of technical or legal terms not generally familiar to the public.

6. Who will support the legislation? Who will oppose it?

Supporters: Board of Supervisors, County Auditors, members of the public who do not subscribe to local newspapers.

Opposers: Newspaper Association.

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

It is my understanding this was introduced in 2014 but fizzled due to bigger issues to deal with.

8. Does this issue or problem have statewide effects and why?

This legislation would likely have a positive effect. For counties who publish the entire text of resolutions, they would have a reduced general fund expense for publications. For counties who do not offer web-based information or have limited information available, those savings potentially could be redirected to improve internet availability and accessibility to the public.

This would also provide consistency across counties and among auditing firms with their interpretations of what is required for publication.

9. What data needs to be collected to support the issue?

Research on the number of households who subscribe to local newspapers vs the number of households who have internet access today compared to 10 and/or 20 years ago may indicate alternative/additional sources to reach the public as beneficial. Polling counties on whether or not they publish summaries or full text of resolutions may be informative. A comparison of publication costs spread over a year for full text vs summaries may be difficult to provide. However, newspapers should be able to provide column inch costs of sample resolution summaries vs full text in order to consider the spread of those costs over a year.

10. Contact Person

Name: Gloria Carr
Office: Auditor
County: Floyd
Telephone: 641-257-6130
E-Mail: gcarr@floydcola.org

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by August 1, 2014 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
or
jcashman@iowacounties.org



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Date of Submission:

1. Title:

REINSTATEMENT OF INITIAL DATE TO BEGIN ABSENTEE VOTING (BY MAIL OR IN PERSON) TO PRE-HF516 REQUIREMENTS

2. Describe the problem.

Prior to House File 516, the County Commissioner of elections was required to begin mailing absentee ballots out to those who had requested one "as soon as ballots were printed." Also, in-person absentee voting, per Section 53.10, was as follows:

53.10 Absentee voting at the commissioner's office.

1. Not more than forty days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available more than forty days before an election.

AFTER HF 516, both processes cannot begin until 29 days before the election.

With an increased number of voters utilizing the absentee process, shortening the number of days that voters have access to absentee ballots is not only problematic for the voter, it is also problematic for the commissioner's office and staff.

3. History of the problem.

4. Why does the problem need legislative resolution?

5. What is the suggested solution? Please include code references.

The solution is to reinstate the verbiage of Section 53.8 to pre-HF516 verbiage as follows:

53.8 Ballot mailed.

1. a. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3.

AND,

To reinstate the verbiage of Section 53.10 to pre-HF516 verbiage as follows:

53.10 Absentee voting at the commissioner's office.

1. Not more than forty days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available more than forty days before an election.

6. Who will support the legislation? Who will oppose it?

Auditors, Auditor's staff, voting members of the public who utilize the absentee process.



Legislative Request Form

- 7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?**

No

- 8. Does this issue or problem have statewide effects and why?**

Yes,

- 9. What data needs to be collected to support the issue?**

10. Contact Person

Name: Carla K. Becker
Office: Delaware County Auditor
County: Delaware County
Telephone: 563-927-4701
E-Mail: cbecker@co.delaware.ia.us

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266

or

jcashman@iowacounties.org



Legislative Request Form

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Please fill out the form as completely as possible

Date of Submission: 7.16.12

1. **Title: Removal of postmark as a qualification to accept an absentee ballot after Election Day is completed and replace with a due date and time.**
2. **Describe the problem. Ballots from voters that are received through the mail after Election Day are being rejected because those return envelopes do not have a postmark (or in some cases...a legible postmark). Due to no fault of the voter, the ballot is rejected. Post Offices placing postmarks on absentee return envelopes is purely a random act. The practice of postmarks being placed on return envelopes is very inconsistent throughout the State of Iowa.**
3. **History of the problem. This is a relatively recent matter. The practice of opening a return envelope with no postmark to determine the ballot's qualification based on the date the voter signed the affidavit envelope was halted after the 2010 General Election through Iowa Code. Since then, Auditor's Offices have been sending out letters to voters notifying them their vote was not counted due to an error at the Post Office.**
4. **Why does the problem need legislative resolution? Two reasons. First, the language requiring the postmark is written into Iowa Code (§53.17(2)). Second, the U.S. Post Office cannot be forced by the state to postmark all absentee ballot return envelopes.**
5. **What is the suggested solution? Please include code references. Change Iowa Code §53.17(2) to state that no absentee ballots received after polls close on Election Day will be counted.**
6. **Who will support the legislation? Who will oppose it? Supporters of the legislation will realize that ballots are not being counted because of a purely arbitrary system run by an organization that the State is not able to control. Those who will oppose this proposal will see this as a law change to constrict a voter's opportunity to cast a ballot.**



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill? This legislation has not been previously introduced. This has not been formally discussed with any legislator and therefore no support from a representative has been identified. "However, a Scott County legislator — was disenfranchised by this circumstance in 2011 and would probably be sympathetic to this legislative proposal."
8. Does this issue or problem have statewide effects and why? This issue does have state-wide effects as it is a rule administered by Commissioner of Elections and their County Absentee and Special Voters Precinct Boards. It will affect voters statewide as this proposal will place the responsibility on the voter to promptly return their ballots (as opposed to returning the ballot and having it rejected due to an arbitrary post office system).
9. What data needs to be collected to support the issue? Some data has been collected by County Auditors demonstrating how many return envelopes do not receive a postmark. Some County Auditors have also kept track of how many ballots have been rejected because they have not received a postmark.

10. Contact Person

Name:
Office:
County:
Telephone:
E-Mail:

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by August 1, 2012 to:

Linda Hinton, Government Relations Manager
Iowa State Association of Counties
501 SW 7th Street, Suite Q
Des Moines, IA 50309
or
lhinton@iowacounties.org



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Date of Submission: 8/10/17

1. **Title:** Chapter 812- clarification on who is financially responsible
2. **Describe the problem.** Three years ago, language changes were made to Iowa Code Chapter 812 to clarify who was financially responsible for certain services (812.6- sections 2.a and 2.b). Chapter 812.3 needed to be changed as well but was overlooked. Chapter 812 deals confinement and evaluation/treatment of persons found to be incompetent to stand trial. This is a criminal proceeding, not a civil one. The county/regional (mental health funds) should never be used to pay for the criminal cases.
3. **History of the problem.** See #2 above.
4. **Why does the problem need legislative resolution?** Resolution is needed to clarify who is financially responsible so bills can be paid in a timely manner. Currently, bills are being sent to the counties/MH regions and they are disputing the charges.
5. **What is the suggested solution? Please include code references.** See attached code section changes.
6. **Who will support the legislation? Who will oppose it?**



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

8. Does this issue or problem have statewide effects and why?

9. What data needs to be collected to support the issue?

10. **Contact Person** Community Services Association/Russell Wood, President

Name:

Office:

County:

Telephone:

E-Mail:

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 31, 2015 to:

Jamie Cashman, Government Relations Manager

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, IA 50266

or

jcashman@iowacounties.org



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Date of Submission:

1. Title: "Residency" Language Clean Up
2. Describe the problem. In 2013 legislature removed the term "Legal Settlement" from several places in Code, particularly in mental health code sections. It was replaced by the term "Residency". This was done for mental health purposes but not changed in several other areas of code. Legal Settlement was used to determined financial liability, payment of services, and to settle disputes regarding service authorizations between counties. Changing from legal settlement to residency throughout code makes processes much more consistent across the state, from county to county.

For the purpose of Chapter 252, "County of Residence" shall have the same meaning as in code section 331.394. See attached copy of this section.

3. History of the problem.
4. Why does the problem need legislative resolution? Code changes are required.
5. What is the suggested solution? Please include code references.
See attached changes in actual code section.
Changes needed in the following sections: Amend Chapters 125.2, 232.141, 347.16 and 252.24. Repeal sections: 252.16, 252.17, 252.18, 252.22, and 252.23.
6. Who will support the legislation? Who will oppose it?



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

8. Does this issue or problem have statewide effects and why?

Yes-

Inconsistency between counties.

Continued battles regarding which county is financially responsible.

9. What data needs to be collected to support the issue?

10. Contact Person

Name: Shane Walter

Office: President of ICOSA

County:

Telephone:

E-Mail:

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, IA 50266

or

jcashman@iowacounties.org

Amend Chapter 125.2

12. ~~"County of Residence" shall have the same meaning as in code section 331.394 means the place where a person resides. For the purpose of determining which~~ The Iowa county, if any, that is liable pursuant to this chapter for payments of costs is the county of residence. ~~attributable to its residents, the following rules shall apply:~~

~~a. If a person claims an Iowa homestead, then the person's residence shall be in the county where that homestead is claimed, irrespective of any other factors.~~

~~b. If paragraph "a" does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person's residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under eighteen years of age who are wards of this state.~~

~~c. If paragraphs "a" and "b" do not apply, or, if the person is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the department as provided in this chapter.~~

~~d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.~~

~~e. The provisions of this subsection shall not be used in any case to which section 125.43 is applicable.~~

Amend Chapter 232.141

~~"County of Residence" shall have the same meaning as in code section 331.394~~

Amend Chapter 232.141

7. A county charged with the costs and expenses under subsections 2 and 3 may recover the costs and expenses from the county of residence ~~where the child has legal settlement~~ by filing verified claims which are payable as are other claims against the county. A detailed statement of the facts upon which a claim is based shall accompany the claim. Any dispute involving the ~~county of residence legal settlement~~ of a child for which the court has ordered payment under this section shall be settled pursuant to sections 252.22 and 252.23.

8. This subsection applies only to placements in a juvenile shelter care home which is publicly owned, operated as a county or multicounty shelter care home, organized under a chapter 28E agreement, or operated by a private juvenile shelter care home. If the actual and allowable costs of a child's shelter care placement exceed the amount the department is authorized to pay in accordance with law and administrative rule, the unpaid costs may be recovered from the child's county of ~~residence legal settlement~~. However, the maximum amount of the unpaid costs which may be recovered under this subsection is limited to the difference between the amount the department is authorized to pay and the statewide average of the actual and allowable rates in effect in May of the preceding fiscal year for reimbursement of juvenile shelter care homes. In no case shall the home be reimbursed for more than the home's actual and allowable costs. The unpaid costs are payable pursuant to filing of verified claims against the county of ~~residence legal settlement~~. A detailed statement of the facts upon which a claim is based shall accompany the claim. Any dispute between counties arising from filings of claims pursuant to this subsection shall be settled in the manner provided to determine residency in section 331.394.

Amend Chapter 347.16**347.16 Treatment in county hospital — terms.**

3. Care and treatment may be furnished in a county public hospital to any sick or injured person who has ~~residence legal settlement~~ outside the county which maintains the hospital, subject to such policies and rules as the board of hospital trustees may adopt. If care and treatment is provided under this subsection to a person who is indigent, the county in which that person has ~~residence as defined in 331.394 legal settlement~~ shall pay to the board of hospital trustees the fair and reasonable cost of the care and treatment provided by the county public hospital unless the cost of the indigent person's care and treatment is otherwise provided for. If care and treatment is provided to an indigent person under this subsection, the county public hospital furnishing the care and treatment shall immediately notify, by regular mail, the auditor of the county of ~~residence legal settlement~~ of the indigent person of the provision of care and treatment to the indigent person.

Repeal 252.16

~~252.16 Settlement — how acquired.~~

~~A legal settlement in this state may be acquired as follows:~~

~~1. A person continuously residing in a county in this state for a period of one year acquires a settlement in that county except as provided in subsection 7 or 8.~~

~~2. A person having acquired a settlement in a county of this state shall not acquire a settlement in any other county until the person has continuously resided in the other county for a period of one year except as provided in subsection 7.~~

3. ~~A person who is an inpatient, a resident, or an inmate of or is supported by an institution whether organized for pecuniary profit or not or an institution supported by charitable or public funds in a county in this state does not acquire a settlement in the county unless the person before becoming an inpatient, a resident, or an inmate in the institution or being supported by an institution has a settlement in the county. A minor child residing in an institution assumes the settlement of the child's custodial parent. Settlement of the minor child changes with the settlement of the child's custodial parent, except that the child retains the settlement that the child's custodial parent has on the child's eighteenth birthday until the child is discharged from the institution, at which time the child acquires the child's own settlement by continuously residing in a county for one year.~~

4. ~~a. Minor children who reside with both parents take the settlement of the parents. If the minor child resides on a permanent basis with only one parent or a guardian, the minor child takes the settlement of the parent or guardian with whom the child resides.~~

~~b. An emancipated minor acquires a legal settlement in the minor's own right. An emancipated minor is one who is absent from the minor's parents with the consent of the parents, is self-supporting, and has assumed a new relationship inconsistent with being a part of the family of the parents.~~

~~c. A minor, placed in the care of a public agency or facility as custodian or guardian, takes the legal settlement that the parents had upon severance of the parental relationship, and retains that legal settlement until a natural person is appointed custodian or guardian at which time the minor takes the legal settlement of the natural person or until the minor person attains the age of eighteen and acquires another legal settlement in the person's own right.~~

5. ~~A person with settlement in this state who becomes a member on active duty of an armed service of the United States retains the settlement during the period of active duty. A person without settlement in this state who is a member on active duty of an armed service of the United States within the borders of this state does not acquire settlement during the period of active duty.~~

6. ~~a. Subsections 1, 2, 3, 7, and 8 do not apply to a blind person who is receiving assistance under the laws of this state.~~

~~b. A blind person who has resided in one county of this state for a period of six months acquires legal settlement for support as provided in this chapter, except as specified in paragraph "c".~~

~~c. A blind person who is an inpatient or resident of, is supported by, or is receiving treatment or support services from a state resource center created under chapter 222, a state mental health institute created under chapter 226, the Iowa braille and sight saving school administered by the state board of regents, or any community-based provider of treatment or services for an intellectual disability, developmental disabilities, mental health, or substance abuse, does not acquire legal settlement in the county in which the institution, facility, or provider is located, unless the blind person has resided in the county in which the institution, facility, or provider is located for a period of six months prior to the date of commencement of receipt of assistance under the laws of this state or for a period of six months subsequent to the date of termination of assistance under the laws of this state.~~

7. ~~A person hospitalized in or receiving treatment at a state mental health institute or state resource center does not acquire legal settlement in the county in which the institute or resource center is located unless the person is discharged from the institute or resource center, continuously resides in the county for a period of one year subsequent to the discharge, and during that year is not hospitalized in and does not receive treatment at the institute or resource center.~~

8. ~~A person receiving treatment or support services from any provider, whether organized for pecuniary profit or not or whether supported by charitable or public or private funds, that provides treatment or services for intellectual disability, developmental disabilities, mental health, brain injury, or substance abuse does not acquire legal settlement in a county unless the person continuously resides in that county for one year from the date of the last treatment or support service received by the person.~~

Repeal 252.17

252.17 Settlement continues.

~~A legal settlement once acquired shall so remain until such person has removed from this state for more than one year or has acquired a legal settlement in some other county or state.~~

Repeal 252.18

252.18 Foreign paupers.

1. ~~A person who is a county charge or is likely to become so, coming from another state and not having acquired a settlement in a county of this state or any such person having acquired a settlement in a county of this state who moves to another county, may be removed from this state or from the county into which the person has moved at the expense of the county where the person is found, upon the petition of the county to the district court in that county.~~

2. ~~The court or judge shall fix the time and place of hearing on said petition and prescribe the time and manner of service of the notice of such hearing.~~

~~3. If upon the hearing on said petition such person shall be ordered to remove from the state or county and fails to do so, the person shall be deemed and declared in contempt of court and may be punished accordingly; or the judge may order the sheriff of the county seeking the removal to return such person to the state or county of the person's legal settlement.~~

Repeal 252.22

252.22 Contest between counties — chapter applicable to county public hospitals.

~~When assistance is granted to a poor person having a settlement in another county, the auditor shall at once by mail notify the auditor of the county of settlement of that fact, and, within fifteen days after receipt of the notice, the auditor shall inform the auditor of the county granting assistance if the claim of settlement is disputed. If it is not, the poor person, at the request of the auditor or board of supervisors of the county of settlement, may be maintained where the person then is at the expense of the county of legal settlement, and without affecting legal settlement as provided in section 252.16.~~

~~All laws relating to the support of the poor as provided by this chapter shall be applicable to care, treatment, and hospitalization provided by county public hospitals.~~

~~For the purposes of this section, "auditor" means the county auditor or the auditor's designee.~~

Repeal 252.23

252.23 Legal settlement disputes.

~~If the alleged settlement is disputed, then, within thirty days after notice as provided in section 252.22, a copy of the notices sent and received shall be filed in the office of the clerk of the district court of the county against which claim is made, and a cause docketed without other pleadings, and tried as an ordinary action, in which the county granting the assistance shall be plaintiff, and the other defendant, and the burden of proof shall be upon the county granting the assistance. However, a legal settlement dispute initiated under chapter 222, 230, or 249A shall be resolved as provided in section 225C.8.~~

Amend 252.24

County of ~~settlement~~ residence liable — exception.

1. The county of residence ~~where the settlement is~~ shall be liable to the county granting assistance for all reasonable charges and expenses incurred in the assistance and care of a poor person. For the purposes of this chapter "county of residence" shall have the same meaning as in code section 331.394.

2. When assistance is furnished by any governmental agency of the county, township, or city, the assistance shall be deemed to have been furnished by the county in which the agency is located and the agency furnishing the assistance shall certify the correctness of the costs of the assistance to the board of supervisors of that county and that county shall collect from the county of the person's settlement. The amounts collected by the county where the agency is located shall be paid to the agency furnishing the assistance. This statute applies to services and supplies furnished as provided in section 139A.18.

3. Notwithstanding subsection 2, if assistance or maintenance is provided by a county through the county's mental health and disability services system implemented under chapter 331, liability for the assistance and maintenance is the responsibility of the person's county of residence.



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Please fill out the form as completely as possible

Date of Submission: 7/26/17

1. **Title:** Support Sales tax increase to fund Iowa's Natural Resource & Outdoor Trust Fund.
2. **Describe the problem.** Iowa's Natural Resources need a consistent and protected funding source
3. **History of the problem.** In Nov. 2010 63% of Iowa voters approved the creation of a constitutionally protected Natural Resources and Outdoor Recreation Trust Fund. Prior to 2010, two sessions of the legislature approved creation of the constitutionally protected trust fund. Not \$1 has been deposited in the fund.
4. **Why does the problem need legislative resolution?** The trust fund won't be funded until the next increase in the state sales tax. First 3/8's of a cent is dedicated to the trust fund
5. **What is the suggested solution? Please include code references.** Increase sales tax.
6. **Who will support the legislation? Who will oppose it?** Support - Conservation organizations, outdoor enthusiasts, Public Heath, environmental groups. Oppose – anti-tax groups.



Legislative Request Form

- 7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?** The 2015 Session had two bills that dealt with the sales tax increase: SF357 & HBS256. In 2016, the Governor and both Houses had proposals, but nothing had traction with the other House or Governor. In 2018, two bills were brought forward The WISE (Water, Infrastructure, Soil for our Economy) Solution by Rep. Bobby Kaufman and 11 co-signers. It raised the sales tax by 3/8's cent and lowered income tax. The Governor and Hose supported the 2016 bill funded by an existing excise tax on metered water (HF 612 & SF512). It was opposed by schools and communities that would see a reduction in funding.
CCDA believes the funding distribution that is currently in Iowa law (Iowa Code Chapter 461) should be maintained.
- 8. Does this issue or problem have statewide effects and why?** Yes, constitutionally protection for Iowa's natural resources. Iowa's water quality is a statewide problem. Approx. 2/3's of the funding can be used on private land for conservation practices and water quality incentives. The remaining funds would be used for quality of life and public health activities that promote economic development and healthy Iowans.
- 9. What data needs to be collected to support the issue?** Legislative support. Other organizations considering sales tax increase (schools, etc).

10. Contact Person

Name: Matt Cosgrove/Dan Cohen
 Office: County Conservation Director's Association
 County: Webster/Buchanan
 Telephone: (515)576-4258 (319)636-2617
 E-Mail: conservation@webstercountya.org bccbdan@iowatelecom.net

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager
 Iowa State Association of Counties
 5500 Westown Parkway, Suite 190
 West Des Moines, IA 50266

or

jcashman@iowacounties.org



Legislative Request Form

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Please fill out the form as completely as possible

Date of Submission: 7/26/17

1. **Title:** Full funding of REAP (Resource Enhancement & Protection Program)
2. **Describe the problem.** REAP stands for Resource Enhancement and Protection. The REAP Program is consistently underfunded by the state legislature. It is a program in the State of Iowa that invests in, as its name implies, the enhancement and protection of the state's natural and cultural resources. Iowa is blessed with a diverse array of natural and cultural resources, and REAP is likewise diverse and far reaching.
3. **History of the problem.** REAP is funded from the state's Environment First Fund (Iowa gaming receipts) and from the sale of the natural resource license plate. The program is authorized to receive \$20 million per year until 2021, but the state legislature sets the amount of REAP funding every year. This year REAP was cut by 25% to \$12 million. The program has never seen full funding.
4. **Why does the problem need legislative resolution?** Legislative appropriation. If Iowa's Sales Tax is increased the first 3/8's of a cent will fully fund REAP through the Natural Resource & Outdoor Trust Fund.
5. **What is the suggested solution? Please include code references.** Full funding through the Natural Resource & Outdoor Trust Fund. An increase in Iowa's Sales Tax automatically fully funds REAP or fully fund the program through gaming receipts as originally intended.
6. **Who will support the legislation? Who will oppose it?** Support - REAP supporters – cities/counties/historical groups, sportsmen, conservation organizations, water quality supporters
Oppose – anti-tax groups



Legislative Request Form

7. **Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?** Annually REAP Congress recommendation. The Natural Resource & Outdoor Trust Fund had several bills introduced during the 2017 session. HF597 the WISE (Water, Infrastructure, Soil for our Economy) Solution introduced by Rep. Kaufmann and eleven co-signers would have increased the state sales tax by 3/8's cent over three years and reduced income tax. The bill was never allowed out for full consideration.

8. **Does this issue or problem have statewide effects and why?** Yes, REAP funds a variety of projects throughout Iowa's cities & counties (parks, soil & water, historical, cultural, open space, roadside vegetation). It is one of the most successful funding models in the nation for conservation, parks, historical, and natural resource funding.

9. **What data needs to be collected to support the issue?** History of REAP Funding compared to gaming receipts. Unfunded REAP grants. Annual REAP requests compared to REAP funding. See County Conservation's "Unmet needs documents". Reduction in DNR funding and staffing.

10. Contact Person

Name: Matt Cosgrove/Dan Cohen
 Office: County Conservation Director's Association
 County: Webster/Buchanan
 Telephone: (515)576-4258 (319)636-2617
 E-Mail: conservation@webstercountya.org bccbdan@iowatelecom.net

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Date of Submission: 8/2/2017

1. **Title:** Invest in Iowa's Food Safety System
2. **Describe the problem.** The inadequacy of food code licensing fees has resulted in a systematic degradation of Iowa's food inspection system and jeopardizes the health of Iowans. For more than a decade, DIA and some local programs have not had the resources to meet the frequency of restaurant inspections established by the FDA. In recent years, DIA has reduced the minimum food inspection frequency twice. In 2009, inspections were to occur once or twice a year depending on food safety risk factors. In 2011, inspections shifted to once every 6 to 24 months. When the 2014 Legislature failed to increase fees, DIA revised its rules extending inspection frequencies to once every 36 months for some facilities. A majority of Iowa restaurants are inspected once every 18 to 24 months. Due to inadequate fees, many local contracts have followed DIA's lead.
3. **History of the problem.** Current license fees fail to cover program costs as they are set at 1994 operating levels (based on consumer price index). Fees increased slightly in 1997 and 2008 while program costs have risen exponentially. Some counties subsidize as much as 50% of their food program costs (FY16: Linn County - \$254,425; Scott County - \$172,654; Johnson County - \$128,992; Cerro Gordo County - \$94,535). With the pending commercial property tax reductions, local public health agencies will be assessing service delivery. Ida County conducted an audit in the summer of 2017 and returned the food contract to DIA as it was not fiscally sustainable. Many other counties have also discontinued their food program over the past several years – Polk County, Jasper, Cerro Gordo (regional counties) and Shelby County (some regional counties). In 2009, DIA inspected 23 of Iowa's 99 counties; today DIA inspects 54.

There is more to the Iowa Food Program than simply conducting a food safety evaluation. The program requires working with the establishment to develop a corrective action plan, conducting follow up visits to ensure all items have been corrected and investigating complaints from the public. Staff must also conduct plan reviews and on-site visits prior to the opening of the an establishment, review documentation to ensure the establishment is in compliance with its operating procedures, and respond after hours to emergencies (foodborne illness investigation, fire, power outage, etc.). Adherence to the FDA's *Voluntary Retail Food Program Standards* expands the capabilities, competencies and training requirements of facility

inspectors as well. All inspectors must receive 20 hours of continuing education every 36 months and local contracts must send someone to every DIA or FDA training class or conference held in Iowa. When adequately funded and executed, a modernized food inspection program is vastly improved through conformance with these standards.

4. **Why does the problem need legislative resolution?** While DIA can adopt the newest food code every 4 years through the Iowa Administrative Rules process, the ability to raise food license fees is in the hand of the Iowa Legislature. It should be noted that every other environmental health related license/inspection fee is set by the state agency (Iowa Department of Public Health or the Iowa Department of Natural Resources) that over sees the program or by local Boards of Health.
5. **What is the suggested solution? Please include code references.** Raise the fees to the levels that have been proposed the past few years. When discussing with legislators, also mention the need for a small fee increase every few years instead of a larger one every 8 to 9 years with the goal of moving the fees to the Administrative Rules.
6. **Who will support the legislation? Who will oppose it?** Support - Industry, DIA (if allowed by Governor), Iowa Environmental Health Association, Iowa Counties Public Health Association, Iowa Public Health Association, and the Urban Coalition. Oppose – no one.

Industry has stated that they are opposed to moving the fees to the administrative rules.

7. **Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?** 2015 – HF344 and SF265 (passed subcommittee 3-0); 2016 – SF265 (passed subcommittee 3-0); 2017 – SF303 and SSB1169 (passed subcommittee 3-0)

Senator Guth sponsored SF303 in 2017. This bill was replaced by SSB1169 (same language) and sponsored by Sen. Feenstra – Ways & Means chair. Once the bill passed the subcommittee (Sen. Anderson, Sen. Schultz and Sen. Jochum), we only had two Senators on the Ways & Means committee have any questions about the bill. These questions were answered, and we had more than enough votes to pass the committee. However, Sen. Feenstra stated that the Ways & Means committee was looking to pass a Conservation fee bill and a Sheriffs fee bill. They did not want to do 3 fee bills, so the food bill was buried.

Sen. Schultz has asked to chair the bill's subcommittee in 2018 and has stated that he intends to see it pass the Senate.

From past conversations, we know that Senator Dotzler, Senator Danielson, Senator Mathis, Senator Hart, Rep. Vander Linden (chair House Ways & Means committee), Rep.

Koester, Rep. Thede, Rep. Landon and Rep. Winckler are all supportive of the fee increase. Senator Dotzler (2015 & 2016) and Rep. Koester (2015) have introduced the bill in the past for us.

- 8. Does this issue or problem have statewide effects and why?** The public believes these assessments occur on a much more regular basis and therefore may have a false sense of safety from foodborne disease. Inadequate and irregular license fee increases are starving Iowa's food safety system and have the potential to put the health and lives of the consuming public at risk.

- 9. What data needs to be collected to support the issue?** None

10. Contact Person

Name: Eric Bradley
Office: Environmental Health
County: Scott
Telephone: 563-326-8618, x8811
E-Mail: Eric.Bradley@scottcountyiowa.com

Or

Name: Brian Hanft
Office: Environmental Health
County: Cerro Gordo
Telephone: 641-421-9340
E-Mail: bhanft@cghealth.com

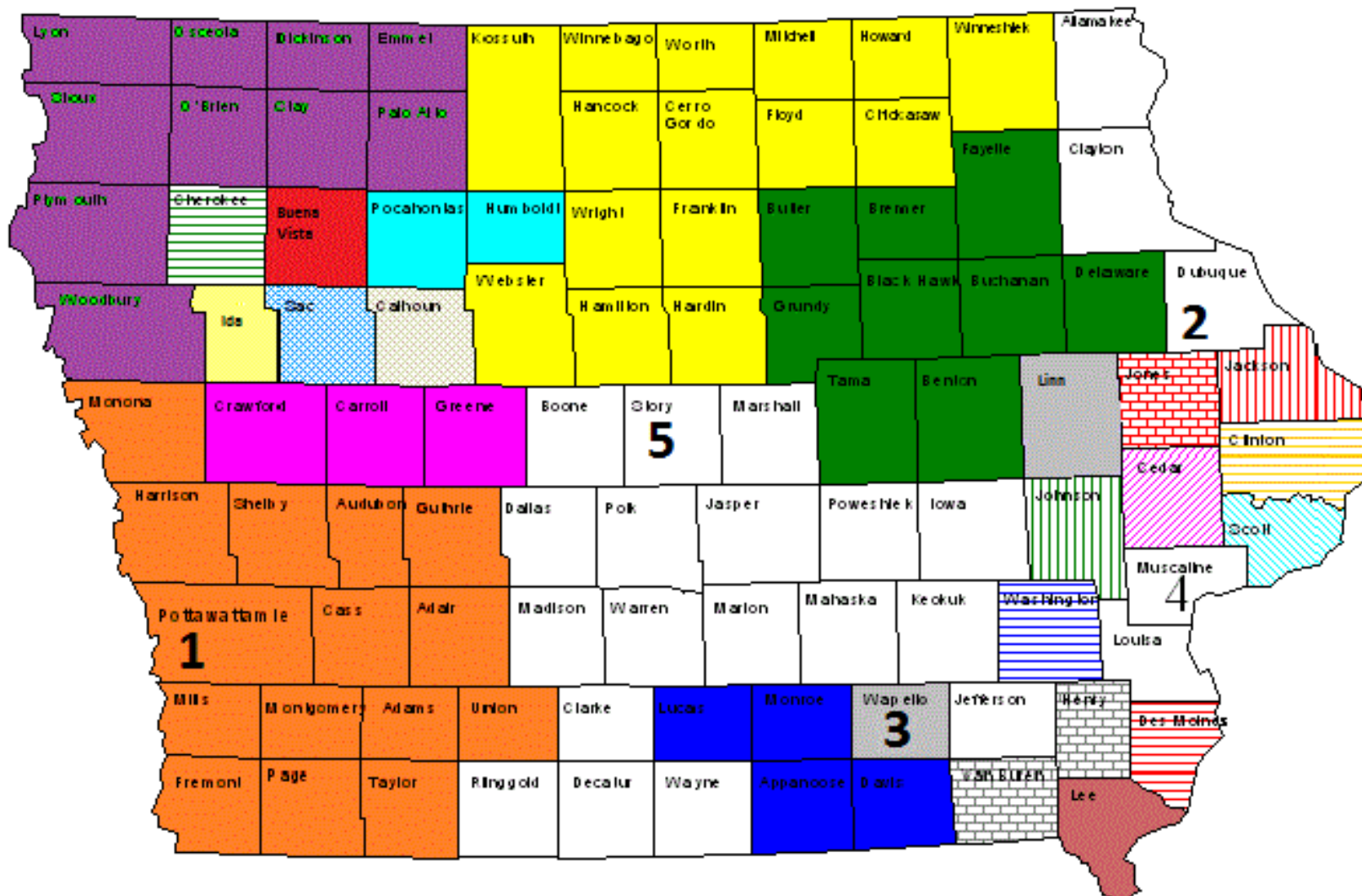
Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 27, 2017 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266

or

jcashman@iowacounties.org

Iowa Food Program 2010

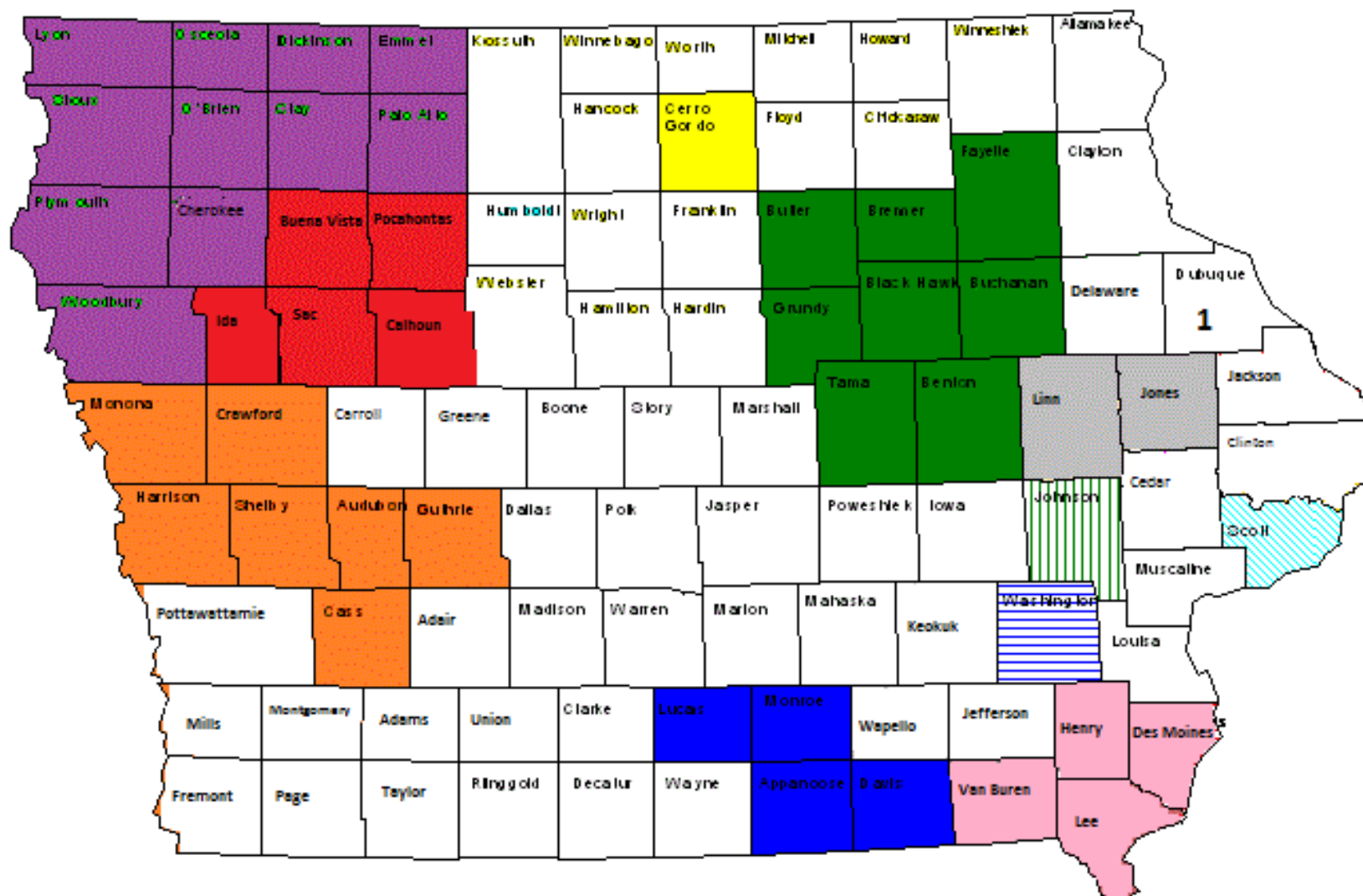


Counties in white are inspected by DIA

Counties in color are inspected by local agencies

1 – City of Council Bluffs; 2 – City of Dubuque; 3 – City of Ottumwa; 4 – City of Muscatine; 5 – City of Ames

Iowa Food Program 2016



Counties in white are inspected by DIA
 Counties in color are inspected by local agencies
 1 – City of Dubuque;



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Date of Submission:

1. **Title:** **Amendment to Iowa Code Chapter 331.307 County Infractions**
2. **Describe the problem.** There is no mechanism for counties to recoup taxpayer money in a timely manner that is used to abate or correct a zoning violation such as an illegal junk yard. The judge can order the cost to clean up the property “as a personal judgement against the defendant or assessed against the property where the violation occurred, or both.” This does not guarantee that the county taxpayers will receive reimbursement in a timely manner.
3. **History of the problem.** When Dubuque County was trying to decide on how to pursue enforcement on an ongoing junkyard that had been to court several times, the Assistant County Attorney said that the County could not get reimbursed for the cleanup costs through a Special Assessment on the owner’s property taxes. The extensive cost of cleaning up the property and the worry that the county tax payers would be stuck with the bill was prohibiting the Board of Supervisors from pursuing final resolution of the zoning violation. This has allowed the property owner to continue to violate the law for several years after the court ruled on the violation case.
4. **Why does the problem need legislative resolution?** The Iowa Legislature has control over what the courts can and cannot do in regard to County Infractions.
5. **What is the suggested solution? Please include code references.** Zoning violations are handled through the courts under Iowa Code Chapter 331.307 County Infractions. This chapter allows counties to “abate or correct the violation” and the judge to enter the cost to clean up the property “as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.” See Section 331.307(9)(a)(5). If a defendant does not have the money to pay for the cost of cleanup, then there is no way to force a timely payment of the debt owed to counties.
Under Iowa Code Section 331.384 Abatement of public health and safety hazards – special assessments, counties are allowed to “perform the required action and assess the costs against the property for collection in the same manner as a property tax. The underlined portion of the text is what needs to be added to Section 331.307(9)(a)(5) for counties (and in Section 364.22 Municipal Infractions for cities).
6. **Who will support the legislation? Who will oppose it?** Most counties would support this legislation as well as the Urban County Coalition and the League of Cities. We do not know who would oppose it.
7. **Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?** This legislation has the support of the Urban County Coalition. Dubuque County is still seeking sponsors for this bill.
8. **Does this issue or problem have statewide effects and why?** Yes, this bill will affect all counties and cities that have adopted zoning regulations. It would benefit almost every county and the taxpayers in their jurisdiction.

9. What data needs to be collected to support the issue? None.

10. Contact Person

Name: Daryl Klein

Office: Chairperson, Board of Supervisors

County: Dubuque

Telephone: (563) 589-4441

E-Mail: MaryAnn.Specht@dubuquecounty.us

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 31, 2015 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
or
jcashman@iowacounties.org



Legislative Request Form

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Please fill out the form as completely as possible

Date of Submission: 7/28/16

1. **Title:** Restricting Calorically-Sweetened Beverages (CSBs) from the Supplemental Nutrition Assistance Program (SNAP) in Iowa.
2. **Describe the problem.** SNAP enrollees, as a population, are more likely to be overweight or obese than nonparticipants. They are known to be an at-risk population for diabetes and cardiovascular disease. SNAP users also purchase CSBs at a higher rate than the rest of the population. By subsidizing the purchase of non-nutritive calories, the federal government is indirectly increasing the number and proportion of predisposed individuals that experience negative health outcomes. Current policy in the SNAP program enables, if not encourages, unhealthy behaviors by SNAP program users. If CSBs were removed from the list of products available for purchase with SNAP funds, those funds could be channeled to healthier diet options which provide greater nutritional value and could result in lower obesity, diabetes, and cardiovascular disease rates in the SNAP population.
3. **History of the problem.** The Supplemental Nutrition Assistance Program (SNAP), as the name implies, is meant to provide low income families and individuals with Supplemental Nutrition to ensure that they are healthy. In 2012 SNAP distributed \$74.6 billion in nutritional assistance. An estimated \$1.7 to \$2.1 billion of this amount was spent on carbonated soft drinks, the most common type of calorically-sweetened beverage (CSB). CSBs have very little nutritional value and are known to increase the risk of tooth decay, diabetes, cardiovascular disease, and obesity. As such, CSBs are unnecessary for and counter-productive to a healthy diet and their inclusion in SNAP goes against the stated purpose of the program. Precedent exists for limiting SNAP purchases: alcohol and tobacco are already ineligible for SNAP spending because they are non-essential and known to cause adverse health effects. SNAP coupons cannot be used to purchase prepared foods. The Women, Infants and Children (WIC) Supplemental Nutrition Program could serve as a model for SNAP. The WIC program currently only provides foods with known supplemental nutritional value. While the target audience of the WIC program is more narrow than SNAP and designed to meet specific nutritional needs of those populations, the WIC program demonstrates how the actions of a program can support specific goals. Ironically, the federal government also funds programs, such as the CDC's Rethink Your Drink Campaign, that attempt to reduce CSB consumption.

4. **Why does the problem need legislative resolution?** In order to seek a waiver from the Federal government to restrict CSB's from the SNAP program in Iowa, legislative and executive cooperation will be needed.
5. **What is the suggested solution? Please include code references.** ICPHA recommends that the State of Iowa seek an alignment of policies associated with Federally-funded programs to the goal of making Iowa the Healthiest State in the Nation. To that end, ICPHA urges the legislative and executive branches of State government to work together to request a waiver to the SNAP program in Iowa which would restrict the purchase of calorically-sweetened beverages with SNAP funds.
6. **Who will support the legislation? Who will oppose it?** This has support in the public health and health care organizations. There is interest in this at State-level departments related to health. ICPHA believes this should have broad appeal as this will neither increase or decrease SNAP allocations (coupons not used on CSBs can be used for other foods) while making an incremental change to improve the health of a population segment most in need. There may be opposition from the beverage industry and retailers.
7. **Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?** This is the first time this issue has been suggested as far as we can tell and we do not have a read yet on who may support. No individual legislators have been approached. Informal discussion has taken place with the Director of Public Health.
8. **Does this issue or problem have statewide effects and why?** Yes, this will affect all persons receiving SNAP. It has the potential to reduce health care costs, particularly those on Medicaid or subsidized insurance.
9. **What data needs to be collected to support the issue?** More detail on the amount of SNAP funds being spent on CSBs in Iowa. This will require data being analyzed and released from the US Department of Agriculture in cooperation with the Iowa Department of Human Services.

10. Contact Person

Name: Douglas Beardsley
Office: Public Health
County: Johnson
Telephone: 319-356-6040
E-Mail: dbeardsley@co.johnson.ia.us

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 29, 2016 to:

Jamie Cashman, Government Relations Manager, Iowa State Association of Counties
5500 Westown Parkway, Suite 190, West Des Moines, IA 50266

Or jcashman@iowacounties.org



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Please fill out the form as completely as possible

Date of Submission: 7/28/16

- Title:** Restoration of Funding to the Local Public Health Services Grant (LPHSG)
- Describe the problem.** Local public health agencies are expected to provide gap-filling services which will keep low-income, elderly or other lowan's with special needs out of nursing homes and hospitals to save money and preserve family structure. Local public health agencies are also responsible to follow up on communicable disease reports and provide other essential services to protect the health of Iowa communities. A basic infrastructure for the local Board of Health in order to assess and respond to local health issues are also supported by the LPHSG. The legislature has given broad authority, responsibility and expectations to local boards of health, but the funds to support these activities has been in decline. Local Boards of Health are faced with asking for more support from local property tax dollars, a choice which is less attractive and feasible in the face of property tax reform, or by reducing services which puts more lowans at risk of unnecessary and more costly institutionalization.
- History of the problem.** Since 2007, State funding for the LPHSG has decreased from \$10.64 million to \$8.461 million in FY 17, a 20.5% decrease. When cost of living is factored in, local public health agencies have even fewer resources to meet essential public health needs. As Iowa's population continues to increase and age, and as chronic diseases place ever-increasing burdens on our health care systems, there is a greater need to preserve and strengthen our public health system in order to protect and promote the health of lowans.

| Iowa - Local Public Health Services Grant Amounts | | | | | | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------------|
| (State appropriations only) | | | | | | | | | | | | |
| Year | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | |
| Total amount(million) | 10.64 | 10.64 | 10.5 | 10.31 | 9.05 | 8.47 | 8.46 | 8.46 | 8.46 | 8.46 | 8.46 | |
| | | | | | | | | | | | | |
| Services | 9,233,985 | 9,233,985 | 9,095,475 | 8,345,779 | 7,804,406 | 7,297,142 | 7,297,142 | 7,297,142 | 7,297,142 | 7,297,142 | 7,297,142 | |
| LBOH | 1,404,962 | 1,404,962 | 1,404,962 | 1,964,813 | 1,252,243 | 1,171,491 | 1,164,628 | 1,164,628 | 1,164,628 | 1,164,628 | 1,164,628 | |
| % change | | | | | | | | | | | | Change 2006 to 2017 |
| Total | | 0.00% | -1.30% | -1.81% | -12.22% | -6.43% | -0.08% | 0.00% | 0.00% | 0.00% | 0.00% | -20.46% |
| Services | | 0.00% | -1.50% | -8.24% | -6.49% | -6.50% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | -20.98% |
| LBOH | | 0.00% | 0.00% | 39.85% | -36.27% | -6.45% | -0.59% | 0.00% | 0.00% | 0.00% | 0.00% | -17.11% |

4. **Why does the problem need legislative resolution?** These are services required by the State for which a State appropriation has been made. Increasing the amount of this grant is a legislative/budgetary issue. These funds were intended as supporting the basic public health infrastructure of the State. Just as with roads and bridges, stagnant allocations cannot support a growing need. The legislature should prioritize providing adequate funding to basic services it mandates each year, rather than finding creative new ways to spend money on programs to fit sporadic whims.

5. **What is the suggested solution? Please include code references.**

In order to maintain a public health system which is proactive in preventing disease, promoting health, and responding to prioritized needs identified by local communities, we recommend that the Local Public Health Services Grant within the Iowa Department of Public Health's budget be restored to \$ 12.62 million dollars in FY 2018 which represents the FY 2007 level adjusted for a 2% cost of living increase per year. Further, we need to encourage or hold accountable the legislature to adequately fund basic programs, created by them, as a priority in the budget process before new programs are introduced.

6. **Who will support the legislation? Who will oppose it?** Since this is State spending, it will likely come down to a party line vote. Them that don't want to spend any money and them that understand the State's responsibility to fulfill its obligations.



Legislative Request Form

7. **Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?**
8. **Does this issue or problem have statewide effects and why?** There are 99 County and 3 recognized municipal Boards of Health which use these funds to provide services in their respective communities. This affects every Iowan.
9. **What data needs to be collected to support the issue?** The Iowa Department of Public Health collects data on units of service provided by the LPHSG. # of home visits, # of home care aide hours provided and estimates of the number of hospitalizations averted thanks to these funds. Other categories of service are also collected.

10. Contact Person

Name: Doug Beardsley
Office: Director, Johnson County Public Health
County: Johnson
Telephone: 319-356-6040
E-Mail: dbeardsley@co.johnson.ia.us

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by August 1, 2014 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266

or

jcashman@iowacounties.org



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Date of Submission: 7/28/2017

1. Title:

Snowmobile/ATV Privilege Fee Alignment

2. Describe the problem.

Currently IA Code, 321G.27 and 321I.29 direct the County Recorder to collect a fee of \$1.25 for a registration. It says nothing about a fee for a title. County Recorder's collect a fee of \$1.25 for a registration of a boat and \$1.25 for a title for a boat. This is a problem because we are essentially doing the same work for different rates depending on the vehicle, and it is confusing to dealers when they send in fees, sometimes sending in the incorrect fee.

3. History of the problem.

County Recorders have historically wanted this corrected, and have not had any luck because it has been construed as a fee increase, when in reality it should have been done this way from the beginning and was mistakenly left off.

4. Why does the problem need legislative resolution?

321G.29 and 321I.29 set the fees Recorders collect.

5. What is the suggested solution? Please include code references.

The Iowa County Recorder's Association (ICRA) unanimously agreed to propose changing 321G.29 and 321I.29 to have the County recorder collect \$1.25 for each privilege. This would mean \$1.25 for a title and \$1.25 for a registration.

6. Who will support the legislation? Who will oppose it?



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

This was an issue that has been discussed in previous sessions. Rep. Sands was very much against this proposal.

8. Does this issue or problem have statewide effects and why?

This is not a great deal of revenue for the counties, but it does help provide some additional funds and streamline the fee structure to avoid confusion.

9. What data needs to be collected to support the issue?

N/A

10. Contact Person

Name: Chad C. Airhart
Office: County Recorder
County: Dallas
Telephone: 515-993-6870 (direct line)
E-Mail: chad.airhart@dallascountyiowa.gov

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
or

jcashman@iowacounties.org



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Date of Submission: 7/28/2017

1. Title:

DNR All-Terrain Vehicles, Snowmobiles, & Vessels -Paperwork-Liens/Registration/Titling-

2. Describe the problem.

- a. A lien may only be released in the county the Boat/ATV/Snow is registered in
- b. Collect same paperwork to process/register Boat/ATV/Snow transfers
- c. Vehicles can only be renewed in the county of issuance

3. History of the problem.

- a. Often times an ORV/vessel lien has been released by the bank, and the owner sells the ORV/vessel. The new owner may live in a different county, and when attempting to register the vehicle, is delayed because the paperwork must be sent back to the seller's county to be released.
- b. Different ORV/vessel types require different documents to be transferred. Some require just a registration, while others require a registration and title.
- c. Many of the OFF Road Vehicles/Vessels in Iowa are taken to other parts of the state for use. ie: boats to Lake Okoboji. Often boat owners realize upon arrival that their registration is not current, and the only place they can register it is in the county of origin, possibly half the state away or more.

4. Why does the problem need legislative resolution?

All guidelines for processes are detailed in the IA Code Chapters 321G, 321I & 462A

5. What is the suggested solution? Please include code references.

- a. We propose that any county recorder be able to release the lien in the RVVRS system if the proper documentation is present. This would allow for immediate registration and compliance of use with the new owner.
- b. Find a way for consistent paperwork in transferring ownership.
- c. Allow for registration renewals to occur in any county in the state.
Too many code sections to list – technical clean up

6. Who will support the legislation? Who will oppose it?

- a. These issues were all discussed with the DNR present, and we believe the DNR would be supportive of all issues. No monies are involved so we don't believe there will be any real opposition in the legislature.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill? No
8. Does this issue or problem have statewide effects and why?
These issues would provide a better convenience to all Iowans by allowing more ease of use when it comes to the technicalities of vehicle ownership and the registration process.
9. What data needs to be collected to support the issue? 2017 statewide figures of boats & ORV registrations, titles and liens will be asked of us for reference.

10. Contact Person

Name: Chad C. Airhart
Office: County Recorder
County: Dallas
Telephone: 515-993-6870 (direct line)
E-Mail: chad.airhart@dallascountyiowa.gov

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
or
jcashman@iowacounties.org



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Date of Submission: 7/28/2017

1. Title:

Ground Water Hazard Statement Formatting Exemption

2. Describe the problem.

331.606B, 5 lists all the documents that are exempt from formatting standards. Ground Water Hazard Statements are a required document, yet the prescribed form from the Iowa DNR does not meet formatting standards/requirements. For that reason we wish to add it to the list of documents that are exempt from formatting requirements.

3. History of the problem.

4. Why does the problem need legislative resolution?

Iowa Code lists all exempt documents. This needs to be added in the IA Code so we are compliant with the law.

5. What is the suggested solution? Please include code references.

***Add 331.606B, 5(i). Ground Water Hazard Statement
Potentially amend 558.69 to inform of the exempt status.***

6. Who will support the legislation? Who will oppose it?

The Iowa DNR, and likely every abstract company would be supportive of this. I can't comprehend why anyone would be against this addition.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?
8. Does this issue or problem have statewide effects and why?
9. What data needs to be collected to support the issue?

10. Contact Person

Name: Chad C. Airhart
Office: County Recorder
County: Dallas
Telephone: 515-993-6870 (direct line)
E-Mail: chad.airhart@dallascountyiowa.gov

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Date of Submission: 7/28/2017

1. Title:

Marriage Fee Increase

2. Describe the problem.

Currently IA Code, 331.605, 1 (g) states the application for the license to marry is thirty five dollars.... Four dollars of which shall be retained by the county. The county receives \$4 for doing what we have concluded in a recent study to cost the county on average \$12. This means that county property tax dollars and/or other county funds are subsidizing the cost of a marriage application. Iowa's marriage application fee is considerably less than that of most states in the Midwest. Some states charge more than \$100 for a marriage application.

3. History of the problem.

Historically the legislature has not wanted to raise any fees. Counties have been losing money on this for a long a time, and being forced to subsidize marriage with other dollars.

4. Why does the problem need legislative resolution?

The fee is set in code.

5. What is the suggested solution? Please include code references.

Raise the fee for the marriage application to forty five dollars and the share the county retains to fourteen. 331.605, 1(g)

6. Who will support the legislation? Who will oppose it?

There shouldn't be any real opposition from the lobby. Within the legislature there are those with a mindset that they do not want to raise any fees.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

This was an issue that was briefly discussed at the Capitol in 2014, though not pursued. Conversations have been had with a number of legislators and we know a handful have warmed to the issue. Rep. Rob Taylor may be a good one to champion the bill.

8. Does this issue or problem have statewide effects and why?

The passage of this fee increase will be an injection of funds into every county across the state, and help in alleviating some pressure on already tight county budgets.

9. What data needs to be collected to support the issue?

An updated study of neighboring states costs and an updated study of cost analysis of all steps of the marriage application process from start to finish.

10. Contact Person

Name: Chad C. Airhart
Office: County Recorder
County: Dallas
Telephone: 515-993-6870 (direct line)
E-Mail: chad.airhart@dallascountyiowa.gov

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Date of Submission: 7/28/2017

1. Title:

Vital Record Fee Increase

2. Describe the problem.

Currently IA Code, 331.605, 1 (f) states that a county shall retain a fee of four dollars for the issuance of a certified copy of a birth record, death record or marriage certificate.

3. History of the problem.

County Recorders have historically felt they were underfunded on this fee. Counties have been losing money on vital records for many years and subsidizing the cost of producing them with other tax/county dollars.

4. Why does the problem need legislative resolution?

The fee is set in IA Code 331.605, 1 (f)

5. What is the suggested solution? Please include code references.

The Iowa County Recorder's Association (ICRA) unanimously agreed to propose setting the fee in code as a percentage so the Recorder's do not have to come back for additional dollars years down the road. The County fee would increase in the future as the state raises the fee. ICRA is suggesting the county fee shall be in the amount of forty percent of the fee set by administrative rules to section 144.46.

6. Who will support the legislation? Who will oppose it?

There shouldn't be any real opposition from the lobby. Within the legislature there are those with a mindset that they do not want to raise any fees.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

This was an issue that was briefly discussed at the Capitol in 2014, though not pursued. Conversations have been had with a number of legislators and we know a handful have warmed to the issue. Rep. Rob Taylor may be a good one to champion the bill.

8. Does this issue or problem have statewide effects and why?

The passage of this fee increase will be an injection of funds into every county across the state, and help in alleviating some pressure on already tight county budgets.

9. What data needs to be collected to support the issue?

An updated study of neighboring states costs broken down showing the county and state fees and an updated study of cost analysis of all steps to produce a vital record from start to finish.

10. Contact Person

Name: Chad C. Airhart
Office: County Recorder
County: Dallas
Telephone: 515-993-6870 (direct line)
E-Mail: chad.airhart@dallascountyiowa.gov

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Date of Submission:

1. Title:

Hands Free Communication While Driving

2. Describe the problem.

Distracted driving can be a contributing cause to vehicle accidents. Removing the distraction of electronics by enforcement of a hands free communication while driving law should reduce the number of incidents involving distracted driving.

3. History of the problem.

In the last legislative session, a partial ban on the use of handheld electronic devices was passed and instituted. This ban was not all encompassing and created issues for law enforcement to enforce.

4. Why does the problem need legislative resolution?

Iowa Code still allows for use of hand held electronics for certain instances.

5. What is the suggested solution? Please include code references.

Change Iowa Code 321.276 to not allow the use of any handheld electronic device.

6. Who will support the legislation? Who will oppose it?

Last year a coalition including law enforcement, cell phone providers, insurance companies, and other groups supported this legislation. Some lawmakers may feel like this infringes on individual liberties and may not fully support a complete ban.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

This legislation was introduced last year, and was well documented in the media.

8. Does this issue or problem have statewide effects and why?

This issue affects all individuals who travel our roadways.

9. What data needs to be collected to support the issue?

Several studies have already been conducted and documented.

10. Contact Person

Name: William Deatsch
Office: ISSDA Legislative Co-Chair
County: Johnson
Telephone: 319-688-8943
E-Mail: bdeatsch2@co.johnson.ia.us

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

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Date of Submission: 8/9/2017

1. Title:

Mental Health Funding

2. Describe the problem.

Individuals in need of mental health inpatient treatment are turned away because there are not enough inpatient beds

3. History of the problem.

Current mental health services have not kept pace with demand. Closing state mental health institutions exacerbated this issue when there was a need for increasing the number of mental health beds available the number decreased. Restructuring the mental health system into regions did not create the anticipated savings for funding the system, and a cap on levies further restricts the ability to fund the demand.

4. Why does the problem need legislative resolution?

The problem needs legislative resolution because levy caps are set by Iowa Code. Additional funding is also controlled through the state budgeting.

5. What is the suggested solution? Please include code references.

Increase the amount that can be levied for mental health and encourage additional statewide supplemental funding.

6. Who will support the legislation? Who will oppose it?

Mental health groups will support legislation and some lawmakers will be pressed to contain taxes.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

This issue has been on the forefront of public discussions.

8. Does this issue or problem have statewide effects and why?

Without adequate funding citizens do not get the mental health treatment, they need. Some in turn exhibit behaviors that become criminal charged and increase the load on the court system, and law enforcement.

9. What data needs to be collected to support the issue?

Data may have already been collected by groups supporting this proposal.

10. Contact Person

Name: William Deatsch
Office: ISSDA Legislative Co-Chair
County: Johnson
Telephone: 319-688-8943
E-Mail: bdeatsch2@co.johnson.ia.us

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Please fill out the form as completely as possible

Date of Submission:

1. Title:

Super Speeder Law

2. Describe the problem.

Excessive speeding is becoming an increasing issue throughout the state.

3. History of the problem.

Vehicle speed has been regulated by state law but current fines for those travelling over 20 mph over the posted limit may not be enough of a deterrent.

4. Why does the problem need legislative resolution?

Fines for state traffic violations are set by state code.

5. What is the suggested solution? Please include code references.

Institute an additional \$200.00 surcharge or fine in excess of current fines for those convicted of speeding 20 mph or over the posted limit. This would be an addition to the 321 code section. The State of Georgia instituted a similar law in 2010 and found it to beneficial.

6. Who will support the legislation? Who will oppose it?

Law enforcement groups will support this legislation and it is unknown what groups would oppose it.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

I am unaware of any previous introductions or discussions with legislators.

8. Does this issue or problem have statewide effects and why?

This would affect anyone convicted of this level of excessive speeding.

9. What data needs to be collected to support the issue?

Data from states that already have this legislation showing the affects, and data showing current speed trends in Iowa.

10. Contact Person

Name: William Deatsch
Office: ISSDA Legislative Co-Chair
County: Johnson
Telephone: 319-688-8943
E-Mail: bdeatsch2@co.johnson.ia.us

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IOWA STATE ASSOCIATION OF COUNTY SUPERVISORS

LEGISLATIVE RECOMMENDATIONS

for the

2018 LEGISLATIVE SESSION

Pending approval at the 2017 ISAC
Annual Conference ISACS Business
Meeting

Contact: Jamie Cashman – jcashman@iowacounties.org – 515-210-9845
 Lucas Beenken – lbeenken@iowacounties.org – 515-408-1780

LEGISLATIVE COMMITTEE MEMBERS

Rick Hecht (Chair), Sac County
Steve Kenkel, Shelby County
Rod Sullivan, Johnson County
Matt Greiner, Davis County
Daryl Klein, Dubuque County
Burlin Matthews, Clay County
Shannon Paulus, Mitchell County
Rick Sanders, Story County
Carol Vinton, Mills County

Denny Wright, Sioux County

TERM ENDING

Dec. 31, 2017
Dec. 31, 2017
Dec. 31, 2017
Dec. 31, 2018
Dec. 31, 2018
Dec. 31, 2018
Dec. 31, 2019
Dec. 31, 2019
Dec. 31, 2019

Affiliate president

HOME RULE STATEMENT:

The Iowa State Association of County Supervisors strongly believes in and supports the State of Iowa's County Home Rule Constitutional Amendment, amendment 37, passed by the citizens of Iowa on Nov. 7, 1978 and now found in Chapter 331 of the Iowa Code:

Counties home rule. Article III, Sec. 39A.

Counties or joint county/municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly...

The proposition or rule of law that a county or joint county-municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Iowa Code 331.301:

A county may, except as expressly limited by the Constitution of the State of Iowa, and if not Inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience to its residents.

STATE MANDATES STATEMENT:

The Iowa State Association of County Supervisors supports the State Mandates Act contained in Chapter 25B of the Iowa Code. State mandates relating to activities of counties and state programs or services performed by counties should be funded as outlined in this chapter. Unfunded and underfunded mandates place an undue burden on property taxpayers that should be the obligation of state taxpayers or those paying a fee for service. The Iowa Legislature should make every effort to respect the spirit of the State Mandates Act and ensure that any state mandate placed on a county is fully funded.

2018 Legislative Objectives

1. Tax Reform

PROBLEM: Property Tax reform legislation that was passed in the 2013 legislative session is providing property tax relief for several classifications and subsets of property, but changing the assessment methodology for certain property has unduly reduced the future revenue of local governments. While the new business property tax credit and legislatively imposed rollback are funded in large part by state dollars, changes to the taxable value of multi-residential and telecommunications property will have a detrimental effect on future property tax revenues. Additionally, capping backfill funding and reducing the assessment growth limitation percentage will only further threaten the future revenue of local governments, and by extension, the services they provide to the taxpayers. In the absence of true reform, Iowa's property tax system is still in need of equity among classes and stability for local governments.

SOLUTION: Comprehensive property tax reform should continue to be a primary goal of the Legislature in 2018 and the years ahead. ISACS supports property tax reform that stabilizes the tax base, resolves unfair discrepancies within the current tax base, improves accountability in the budgeting processes of local governments, and imposes a reasonable limitation on city and county property taxes while maintaining local control for citizens and their elected representatives. The legislature should fully fund the property tax credits and rollback replacement claims, and should consider an appropriation to help local governments deal with the reduction in revenue due to the changes to the assessment methodology for multi-residential and telecommunications property. There are six steps that the Iowa Legislature could take that would improve the system and address the tax burden of local property owners:

1. As the state determines how to manage its funding priorities, the legislature must understand that funding taken from local government will result either in significant cuts in services or increased property taxes. Any proposal brought forth that reduces the percentage at which property is assessed should be revenue neutral or provide the necessary level of funding to replace the loss in local government property tax dollars. Funding for services that the county is required to provide should be equal to the cost of services.
2. Legislation should be passed to decouple agricultural buildings from agricultural land, and to value agricultural buildings at their full market value. Agricultural buildings account for about \$1.5 billion, or 5.1% of agricultural taxable value. 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 is doubly problematic because large-scale livestock operations and grain facilities impose significant additional costs on counties, such as for road maintenance, without expanding the tax base to help pay for those costs.

3. Legislation should decouple residential and agricultural property for purposes of the assessment growth limitation. The practice of limiting the growth of both classes to the lower level of the two, which began in the late 1970s to address rapidly rising residential values, is outdated and contributes to the growing disparity between residential property and commercial/industrial property. Each class of property should rise or fall, subject to the assessment growth limitation, on its own market factors.
4. The assessment growth limitation should also have a lower limit. While there is currently a ceiling, there is no floor to limit the decline of taxable property value in adverse markets. By setting a limit on the devaluation in a given year, the property tax revenue stream would be protected from sharp declines in property valuation. While the assessed value would decline with the market, the taxable value would not be rolled back as much with lower limits in place.
5. The state sales and use tax should be increased by up to one cent. The first 3/8 of a cent is dedicated to the Natural Resources and Outdoor Recreation Trust Fund, leaving additional sales tax revenue that can be used to fund mental health services currently covered by property taxes. The remainder of the increased revenue could be used to provide income tax relief.
6. The legislature should allow local governments to diversify their revenue sources. One progressive tax alternative to explore is a local option income tax surcharge that could be imposed by counties to generate additional revenues.

2. 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 relate to the unacceptable 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 losses caused by flooding through effective flood mitigation programs.

SOLUTION: ISACS recommends the following:

1. The passage of a state-wide sales tax increase of at least 3/8s of a penny in support of the "Natural Resources & Outdoor Recreation Trust Fund", or "I-WILL", as it is commonly referred to.
2. The maintaining of the distribution formula found in Iowa Code Chapter 461, outlined by the Iowa Legislature in support of the 2010 vote by Iowans on the Constitutional Amendment.
 - 23% of the moneys will be allocated to a "Natural Resources" account, created in the "trust fund" to be used by the Iowa Department of Natural Resources

- 20% of the moneys are to go to a “soil conservation and protection” account created in the “trust fund” to be used by the Department of Agriculture and land Stewardship for “soil conservation and water protection
 - 14% of the moneys are to be used for watershed protection
 - 13% of the moneys are to fund the “Iowa Resource Enhancement and Protection” (REAP) Fund
 - 13% of the moneys are to be used for local conservation partnerships
 - 10% of the moneys are to be used for land-based trails
 - 7% of the moneys are to be used for lake restoration
3. The identification of additional financial resources to be used to address the “Water Quality Management” issues. Specifically, ISACS 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.
 4. The implementation of, and funding for, a network of state-wide “Water Shed Authorities”, through the effective use of 28E agreements. These “Water Shed Authorities” could provide coordination of efforts in specific areas/regions of the State.
 5. The passage of legislation that would support and encourage public sector entities, such as counties, to be directly involved in “water mitigation” projects that could involve County Conservation Boards, etc.

3. Tax Increment Financing

PROBLEM: Although ISACS supports the intent of legislation designed to encourage economic development, such as Tax Increment Financing (TIF) projects, the overall financial impact on counties can be significant. Several steps can be taken to improve TIF without significantly affecting its use as an economic development tool.

SOLUTION: ISACS supports legislation that:

1. Limits all TIF districts to a certain number of years; this should apply even to TIFs designated for eliminating urban slum or blight and TIFs designated for economic development and created prior to January 1, 1995.
2. Reestablishes the base year or advances to the current valuation level anytime there is a renewal of a TIF district and/or project or anytime the boundaries of the TIF district are modified.
3. Establishes a limit of less than 100% for the division of revenue with the remainder apportioned to the other taxing jurisdictions.
4. Requires a fiscal impact statement be prepared by the entity requesting the TIF prior to final approval.

5. Applies the rollback proportionately to both the base and the incremental valuation in a TIF district.
6. Prohibits the use of TIF revenue for public buildings that would not normally generate property tax revenue.
7. Prohibits tax abatement in TIF and RIZ districts.
8. Provides for formal “oversight” at the State level of the use of the TIF process.

4. Mental Health and Disability Services

PROBLEM: While progress was made during the 2017 session at addressing mental health funding specifically levy equity for counties within mental health regions, challenges remain at providing sufficient resources for core plus services that are being forced upon the regions by the Iowa Department of Human Services. In addition, Iowa still faces shortages in the number of “psychiatric beds” and mental health professionals serving an increasing number of Iowans with severe mental illness.

SOLUTION: ISACS recommends that the Legislature:

1. The 2018 Iowa Legislature should provide for adequate levels of MH/DS services 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. In addition, the Iowa Legislature should address the severe lack of mental health professionals in Iowa especially in our rural areas.
2. The 2018 Iowa Legislature should provide sufficient funding for the effective implementation of a “Children’s Mental Health/Disability Services” program.

2017 Policy Statements

INCREASE IOWA SALES TAX BY UP TO 1 CENT

In 2010, Iowa voters supported the concept that if the State of Iowa ever increases their sales tax, the first 3/8s of 1 cent would be constitutionally protected for funding of the "Natural Resources & Outdoor Recreation Trust Fund". ISACS supports this approach. In addition, ISACS would encourage the use of additional sales tax revenue over-and-above the 3/8s of 1 cent to be used to provide additional "Water Management" programs AND to fund the state-wide "Mental Health and Disability Services" programs, currently funded through the use of property taxes. This would provide a direct decrease in property taxes throughout the state, provide an ongoing, increasing funding source for MH/DS programs currently offered and new programs that are needed, including a "Children's Mental Health" program. ISACS would support the establishment of a "Mental Health & Disability Services Trust Fund" that is constitutionally protected, similar to the "Natural Resources & Outdoor Trust Fund" and the "Road Use Tax Fund".

BONDING FOR COUNTY COURT HOUSE IMPROVEMENTS

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

ISACS supports legislation that would amend the Iowa Code to base bond amount limitations for public building on the amount of the bonds issued rather than on the total cost of the project.

COUNTY MANDATES RELATED TO DISTRICT COURT SECURITY

Security within our District Courts has become a very important issue throughout the State of Iowa. Currently there is no consistency throughout the State as to what security measures should be in place. In addition, the current funding process places the financial burden on any security measures taken on the counties.

ISACS supports efforts to enhance security in our District Courts. However, we would like to work with the State Judicial System to develop consistent requirements for each District Court and a funding solution for the security measures required that does not place 100% of the financial burden on counties.

ONGOING FUNDING FOR THE “ROAD USE TAX FUND”

While the Iowa State Association of County Supervisors appreciates the increased funding to the “Road Use Tax Fund” provided by passage of SF257 during the 2015 legislation session, we recognize that adequate funding to properly maintain our highways, roads and bridges is a long-term concern. ISACS supports legislation that would include innovative revenue generating ideas beyond simply a tax on fuel, which we have seen, is a declining source of revenue.

WIND ENERGY CONVERSION PROPERTY TAX VALUATION

Iowa Code 427B.26 provides for the special valuation of wind energy conversion property by ordinance by a county board of supervisors or city council. The code dictates that if the ordinance is adopted, the property is assessed at zero percent of the net acquisition cost in year one, increasing five (5) percent per year for the second through sixth assessment year, and then remaining at thirty (30) percent for the seventh and subsequent assessment years. In addition to the special evaluation, wind energy conversion property is eligible for the industrial property rollback under Iowa Code 441.21 (5)(c) which provides an additional ten (10) percent rollback. The property is also eligible for the Business Property Tax Credit under Iowa Code 426C which provides a credit equal to the difference in taxes levied between the commercial/industrial rollback and the residential rollback up to the credit base valuation. In total, the property owner would be paying taxes on approximately twenty (20) percent of the net acquisition cost.

ISACS supports legislation that will amend Iowa Code 441.21 (5) (c) and Iowa Code 426C to exclude wind energy conversion property that is already being assessed under the special valuation outlined in Iowa Code 427B.26 from property eligible for the industrial rollback and the Business Property Tax Credit.

E911 EMERGENCY COMMUNICATIONS SERVICE SURCHARGE FUND USAGE

During the 2016 legislative session, for the second year in a row, utilized money from the “Carryover Operating Surplus” of the E911 emergency communications fund to pay for a state-wide land mobile radio communications platform under an agreement. However, they did not outline any future year funding plans.

ISACS remains opposed to any additional use of the E911 surplus funds being used for this state-wide communications system in future years.

REVIEW OF THE “MASTER MATRIX” SYSTEM

The “Master Matrix System” related to the approval of CAFOs within the State of Iowa has not been updated since 2003.

Due to the fact that the Iowa Legislature is the only body authorized to make any modifications to the “Master Matrix” system, ISACS supports an effort on behalf of the Iowa Legislature to sponsor meetings of interested stake-holders to review the current “Master Matrix” and to evaluate recommendations that may enhance the current system.

LOCAL GOVERNMENT REFORM

ISACS opposes any state mandated reorganization of local government based on our belief that any such effort should be citizen-driven.



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Please fill out the form as completely as possible

Date of Submission: 5/17/16

- 1. Title: Surviving Owner no charge title transfer**
- 2. Describe the problem. It is required by the DOT to remove ANY deceased owners from a vehicle's ownership. Several years ago the legislature approved to do this at no charge for spouses, but does not help those that own a vehicle with someone that is not a spousal relationship.**
- 3. History of the problem. We make people take deceased names off of titles, but we also make them pay for it if they were not spouses.**
- 4. Why does the problem need legislative resolution? If the DOT is going to REQUIRE that deceased names be removed, the fee to do so should be waived IF there are multiple owners names on the front of the title.**
- 5. What is the suggested solution? Please include code references. Legislation should be changed to read that there is no charge for surviving spouses, and any relationship that was already listed on the front of the title. The surviving co-owner can transfer the title into their name, but their name must have been on the title prior to death.**
- 6. Who will support the legislation? Who will oppose it? We believe that our customers will support this measure, as does our association. We believe the legislators will support this as it is REQUIRED by DOT.**



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill? No we have not discussed this, but we believe this was erroneously left out when they passed the surviving spouse law.
8. Does this issue or problem have statewide effects and why? It may result in minor revenue loss to the state, but it's the right thing to do. We should not make this a requirement and charge a fee to do so.
9. What data needs to be collected to support the issue? Potential revenue loss.

10. Contact Person

Name: Terri Kness
Office: Jefferson County Treasurer's Office
County: Jefferson
Telephone: 641-472-2349
E-Mail: tkness@jeffersoncountyiowa.com

Please attach any helpful documentation and return to
kbusch@unioncountyiowa.org or tkness@jeffersoncountyiowa.com



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Date of Submission: 05/13/16

1. Title: Delinquent Parking Ticket Service Charge

2. Describe the problem.

Currently County Treasurers may collect delinquent parking tickets for Cities, and may negotiate a fee to be collected from the Cities for providing the service. This process is inconsistent with the process of collecting outstanding Clerk of Court and Department of Revenue debt.

3. History of the problem.

Legislation enacted at various times has not been consistent in the establishment of fees to be collected by the Treasurer. This inconsistency in the collection process results in staff errors. In addition, the current process for collecting delinquent parking tickets requires additional effort to determine the County's share of collections versus the City's share.

4. Why does the problem need legislative resolution?

To resolve the errors and extra effort caused by inconsistent legislation.

5. What is the suggested solution? Please include code references.

Section 1. Section 321.40, subsection 7, Code of Iowa, is amended to read as follows:

7. a. The county treasurer ~~shall~~may refuse to renew the registration of a vehicle registered to an applicant if the county treasurer knows that the applicant has one or more uncontested, delinquent parking tickets issued pursuant to section 321.236, subsection 1, paragraph "b", ~~owing to the county, or owing to a city with which the county has an agreement authorized under section 331.553.~~ However, a county treasurer may renew the registration if the treasurer determines that an error was made by the county or city in identifying the vehicle involved in the parking violation or if the citation has been dismissed as against the owner of the vehicle pursuant to section 321.484. This subsection does not apply to the transfer of a registration or the issuance of a new registration. ~~Notwithstanding section 28E-10, a~~ county treasurer may utilize the department's vehicle registration and titling system to facilitate the purposes of this subsection.

b. The county treasurer of the county of the person's residence and in which the person's vehicle is registered may collect delinquent parking tickets issued pursuant to section 321.236,

subsection 1, paragraph "b" from a delinquent offender applying for renewal of a vehicle registration. The delinquent offender may remit payment of the delinquent parking tickets, along with a delinquent service charge of five dollars, to the county treasurer at the time of registration renewal. Upon payment of the required delinquent parking tickets, the delinquent service charge, and the vehicle registration fee, the county treasurer shall issue the registration to the delinquent offender. Upon the collection of delinquent parking tickets the county treasurer shall update the vehicle registration records through the department's vehicle registration and titling system on a daily basis for all delinquent offenders who have paid delinquent parking tickets pursuant to this subsection. A county treasurer shall forward all funds collected for a city to the city and for a county to the county.

Section 2. Section 321.152, subsection 3, Code of Iowa, is amended to read as follows:

a. The five dollar processing fee charged by a county treasurer for collection of tax debt owed to the department of revenue pursuant to section 321.40, subsection 6, shall be retained for deposit in the county general fund.

b. The five dollar delinquent service charge assessed by a county treasurer for collection of delinquent parking tickets due to a city or county pursuant to section 321.40, subsection 7 shall be retained for deposit in the county general fund.

Section 3. Section 321.236, subsection 1, paragraph b, Code of Iowa, is amended to read as follows:

b. Parking violations which are uncontested shall be charged and collected upon a simple notice of a fine payable to the city clerk. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred. Violations of section 321L.4, subsection 2, shall be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk. Costs or other charges shall not be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, ~~except as provided by an agreement between a city and a county treasurer for the collection of fines~~ for delinquent service charges collected by the county treasurer pursuant to section 331.553, subsection 8.

Section 4. Section 321.236, subsection 1, paragraph e, Code of Iowa, is amended by striking the section in its' entirety.

~~e. Cities that enter into chapter 28E agreements for the collection of delinquent parking fines in conjunction with renewal of motor vehicle registrations pursuant to section 321.40 shall be responsible for computer programming costs incurred by the department to accommodate the collection and dissemination of delinquent parking ticket information to county treasurers, with each such city paying a per capita share of the costs as provided in this paragraph. The department's programming costs shall be paid by the first city to enter into such an agreement. Thereafter, cities that enter into such agreements on or before June 30, 2010, shall pay a pro rata share of the department's programming costs on or before September 30, 2010, to the city which first paid the costs, based on the respective populations of each city as of the last decennial census.~~

Section 5. Section 331.553, subsection 8, Code of Iowa, is amended to read as follows:

~~Pursuant to an agreement under chapter 28E, ea. Collect~~ delinquent parking fines on behalf of a city in conjunction with renewal of motor vehicle registrations pursuant to section 321.40. ~~If the agreement provides for a fee to be paid to or retained by the county treasurer from the collection of parking fines, such fees shall be credited to the county general fund. Fines collected pursuant to this subsection shall be remitted biannually to the city. Notwithstanding section 28E.10, a~~ county treasurer may utilize the state department of transportation's vehicle registration and titling system to facilitate the purposes of this subsection.

b. Pursuant to a resolution by a board of supervisors, collect delinquent parking fines on behalf of the county in conjunction with renewal of motor vehicle registrations pursuant to section 321.40. A county treasurer may utilize the state department of transportation's vehicle registration and titling system to facilitate the purposes of this subsection.

c. Assess a five dollar delinquent service charge to delinquent offenders for the collection of delinquent parking fines. This amount shall be added to the amount of the delinquent parking fines and vehicle registration fees in order to issue a new registration, and shall be credited to the county general fund.

Section 6. Section 364.2, subsection 5, Code of Iowa, is stricken in its' entirety and replaced with the following:

If provided by ordinance, a city may pursue the collection of delinquent parking fines by a county treasurer pursuant to section 321.40 at the time a person applies for a renewal of a motor vehicle registration, for violations that have not been appealed or for which appeal has been denied. A county treasurer may collect a five dollar delinquent service charge for the collection of such fines for deposit in the county general fund.

6. Who will support the legislation? Who will oppose it?

Support: League of Cities

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

The legislation has passed the Senate twice with no opposing votes. The legislation has been discussed with several legislators. The legislation continues to die in the House due to the previous bill language that referred to the delinquent service charge as a processing fee. I believe I will be able to secure a legislator to submit the bill for drafting in 2017.



Legislative Request Form

8. Does this issue or problem have statewide effects and why?

The issue only affects counties and cities who establish a 28E agreement for the collection of delinquent parking tickets.

9. What data needs to be collected to support the issue?

Statistics under the current parking ticket, Dept. of Revenue, and Clerk of Court delinquent debt collection programs.

10. Contact Person

Name: Ben Lacey
Office: Treasurer
County: Polk
Telephone: 515.286.3402
E-Mail: ben.lacey@polkcountyiowa.gov

Please attach any helpful documentation and return to
kbusch@unioncountyiowa.org or tkness@jeffersoncountyiowa.com



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Date of Submission: **May 6, 2016**

1. **Title: Security interest provisions**
2. **Describe the problem. There are numerous foreign jurisdictions that allow a separate lien release; some require notarization, others do not. A separate notarized lien release is not allowed in the state of Iowa unless accompanied by an application for replacement title**
3. **History of the problem. We encounter numerous lenders who are located out of state; they often send the title to the customer without releasing the lien on the face of the title. They provide the customer with a separate notarized release or un-notarized release depending on what their home state allows. Due to the Iowa code, we must refuse to release the lien as it HAS to be released on the face of the Iowa title.**
4. **Why does the problem need legislative resolution?**
The Iowa code needs to be changed to help serve the constituents as we are seeing more and more out of state lien holders sending the unreleased Iowa title along with a separate lien release to their customers.
5. **What is the suggested solution? Please include code references.**

Amend Iowa code 321.50 paragraph 5a:

When a security interest is discharged, the holder shall either note a cancellation of the security interest on the face of the certificate of title over the holder's signature and deliver the certificate of title to the county treasurer where the title was issued or provide a separate notarized lien release letter along with the title and deliver to the county treasurer where the title was issued.

Amend Iowa code 321.50 paragraph 5c:

When a security interest is discharged, the lien holder ~~shall~~may note the cancellation of the security interest on the face of the title and, if applicable, may note the cancellation of the security interest on a form prescribed by the department and deliver a copy of the form in lieu of the title to the department or to the treasurer of the county in which the title was issued. The form may be delivered by electronic means. The department or county treasurer shall note the release of the security interest upon the statewide computer system and the county's records. A copy of the form, if used, shall be attached to the title by the lien holder, if the title is held by the lien holder, and shall be evidence of the release of the security interest. If the title is held by the lien holder, the lien holder shall deliver the title to the first lien holder, or if there is no such person, to the person as designated by the owner, or if there is no such person designated, to the owner. If a certificate of title has not been issued, upon release of a security interest, the lien holder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest.

Amend Administrative Rule 761-400.8(4):

The secured party ~~shall~~may note the cancellation on the face of the title: attach a copy of the release form to the title as evidence of cancellation, and forward the title to the next secured party or, if there is no other secured party, to the person designated by the owner or, if there is no person designated, to the owner.

6. Who will support the legislation? Who will oppose it?

We should receive full support as it benefits constituents as well as county offices. This proposal was discussed with Andrew Lewis, Office of Vehicle & Motor Carrier Services who indicated that he felt that banks would not be in favor of the change. Of the 49 states, 23 states allow the release of lien to appear on the title or by separate lien release, 7 require the lien be released via a separate form. The remaining 19 states require the lien be released on the face of the title. Given that the majority of states allow the separate release, it should be a non issue of the banking industry not being in favor of this change.

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill? No



Legislative Request Form

8. Does this issue or problem have statewide effects and why? Yes as it helps County Treasurer's serve their clients.

9. What data needs to be collected to support the issue? None

10. Contact Person

Name: Ben Lacey, CEO and Melisa Forbes, Deputy Treasurer

Office: County Treasurer

County: Polk

Telephone: 515-286-3402 and 515-286-3052

E-Mail: Ben.Lacey@polkcountyiowa.gov and Melisa.Forbes@polkcountyiowa.gov



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Date of Submission: 05-05-2017

1. Title: Special Mobile Equipment

2. Describe the problem.

Iowa does not issue titles for Special Mobile Equipment

3. History of the problem.

An individual or organization acquires special mobile equipment and would like to obtain an Iowa title so they have proof of ownership. The SME is the type that can be used upon the highway. Currently if a title is issued, the owner must pay fee for first time registration, title and registration fees and then put the vehicle in storage. Some of these SME's never go on the road and are used at rock quarry's for example.

4. Why does the problem need legislative resolution?

Iowa code does not specify that Special Mobile Equipment can be issued an Iowa title.

5. What is the suggested solution?

Amend code section 321.24 (1) to include

except for a mobile home or manufactured home or special mobile equipment, a registration receipt

Amend code section 321.45 to add another paragraph:

5. After acquiring new or used special mobile equipment, the purchaser may within 30 days apply for and obtain from the county treasurer of the county where the special mobile equipment is located a new title for the special mobile equipment. No registration fees will be collected.

6. Who will support the legislation? Who will oppose it?

Don't know.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

Not to my knowledge

8. Does this issue or problem have statewide effects and why?

This will affect only a small number of individuals or organizations that wish to have proof of ownership for their special mobile equipment.

9. What data needs to be collected to support the issue? Potential revenue loss.

No loss of revenue

10. Contact Person

Name: Rita Schmidt and Monica Schmitz

Office: Treasurer

County: Black Hawk County

Telephone: 319 833-3180 or 319 833-3181

E-Mail: rschmidt@co.black-hawk.ia.us or mschmitz@co.black-hawk.ia.us

Please attach any helpful documentation and return to
tkness@jeffersoncountya.com or lzuercher@claytoncountya.gov



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Date of Submission:

1. Title: Abandoned homes abatement
Code 657A.10A

2. Describe the problem.

Cities petition the court for title to abandoned property. According to 657A.10A(6), the Treasurer shall cancel current tax sale certificates and refund the purchase money to T.S. Certificate holder if a petition and verified statement has been filed with Treasurer. Too often the city doesn't obtain title and the taxes are now left unpaid.

3. History of the problem.

See above.

4. Why does the problem need legislative resolution?

Taxes are left unpaid and the funds need acquired back from authorities in order to refund T.S. Certificate buyer before city obtains deed. It would be best to wait until city receives the deed.

5. What is the suggested solution? Please include code references.

Eliminate ~~657A~~ 657A.10A(6)
Add wording to 657A.10A(5) The County Treasurer shall make an entry in the County System canceling the sale of the property and shall refund the purchase money to the tax sale Certificate holder upon deed to the city. including the \$20 Certificate fee

6. Who will support the legislation? Who will oppose it?

Treasurer's support
unknown opposition



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

NO
NO

8. Does this issue or problem have statewide effects and why?

yes - all counties

9. What data needs to be collected to support the issue?

NONE

10. Contact Person

Name: Brenda Noteboom, tax manual committee chair
Office: Treasurers
County: Grundy
Telephone: 319-824-3108
E-Mail: brendan@gccourthouse.org

Please attach any helpful documentation and return to
kbusch@unioncountyiowa.org or tkness@jeffersoncountytia.com



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Date of Submission:

1. Title: Weapon ban in courthouse

2. Describe the problem. Iowa legislators passed a weapons law that allows the public to carry weapons in public places such as county courthouses. Iowa Supreme Court Judge Mark Cady, with 'inherent power' then ordered counties to post signs banning weapons from county courtrooms, AND public spaces.

3. History of the problem.

4. Why does the problem need legislative resolution? There is too much ambiguity for the general public - which rule is to be followed? If Iowa laws allows members of the public (and courthouse employees) to carry a weapon, they are breaking the law if they do so into a public space in the courthouse. Even if allowed in their private office, how are they to carry that weapon through a public space to get there?

5. What is the suggested solution? ONE RULE to serve all.

6. Who will support the legislation? Who will oppose it?

A number of counties have refused to follow the Supreme Court judge's ban, while other counties are posting the signs, but begrudgingly. There should be no ambiguity. Law should be clearly stated.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

Fayette County Board of Supervisors talked with and gave a letter to State Rep. Michael Bergan of Decorah and intend to send one to Senator Michael Breitbach.

8. Does this issue or problem have statewide effects and why?

Yes. There are 99 courthouses in Iowa. If exceptions are made to the Iowa lawmakers' intended rule, and with Clerk of Court offices under state jurisdiction but county government tasked with much of the financial responsibility of the clerk of court, additional controversy will arise as these offices seek additional protections i.e. bulletproof glass, metal detectors, etc.

9. What data needs to be collected to support the issue?

10. Contact Person

Name: Janell Bradley
Office: Fayette County Supervisor
County:
Telephone: 563-419-7899
E-Mail: jbradley@co.fayette.ia.us

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
or

jcashman@iowacounties.org



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Date of Submission:

1. Title: The Revisitation of the Master Matrix

2. Describe the problem.

As the Master Matrix is currently written, if a producer builds confinement buildings under a certain number of animal head they do not have to fill out the Master Matrix. This is fine if they are only building one building per quarter section. However many producers under present law can build up to ten buildings on a quarter section with no oversight. This means they can have as many hogs on their land as would require filling out the Master Matrix without having to actually do such. This means there is no monitoring of their operation which can possibly lead to human health issues through air and water pollution.

3. History of the problem.

In Dickinson County we are blessed with natural lakes which provide the people of Iowa many recreational opportunities. In the past there was a "gentleman's agreement" that no facilities would be built within four miles of these lakes, thus helping to protect them from pollution. With the amount of pattern tiling that has transpired and new construction the citizens of Dickinson County fear the loss of our lakes ability to provide enjoyment as well as the income they generate.

4. Why does the problem need legislative resolution?

Presently legislation is written so that there is no "local control" over these confinement facilities. Any control has been delegated solely to the legislature.

5. What is the suggested solution? Please include code references.

While I am ignorant of the code, it seems this “loop hole” needs to be closed. I would suggest limiting the number of hogs to a per acre/per soil type/per topography, as prescribed by Iowa State University. I would also ask that the DNR be funded to inspect the soil/ water/ and construction of these facilities and given the authority to close those facilities which are in violation of Iowa State University standards, until such standards are met.

6. Who will support the legislation? Who will oppose it?

Any environmental group from the Natural Heritage Foundation to the various water/air/land quality groups, as well as those that have been affected by “bad neighbors”. I would imagine there will be push back by the Iowa Farm Bureau, and perhaps the Iowa Hog Producers, though I would think they would welcome a chance to have a set of standards that if met would prove they are good neighbors.



Legislative Request Form

7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

This specific issue, I don't believe has been addressed by the legislature. This has been discussed with Representative John Wills, Representative Megan Jones, and Senator Dave Johnson. I believe Senator Johnson would champion this bill, Representative Wills might, but I'm not sure about Representative Jones.

8. Does this issue or problem have statewide effects and why?

Yes, the Master Matrix law covers all 99 counties.

9. What data needs to be collected to support the issue?

The number of confinements that "slip under" the present law, the head per acre, and the soil types as well as the topography they are built on.

10. Contact Person

Name: William C. Leupold

Office: Supervisor

County: Dickinson

Telephone: 712 336 2824

E-Mail: wcleup@mchsi.com

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, IA 50266

or

jcashman@iowacounties.org



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Date of Submission: 7/28/17

Title: Repair/Update Master Matrix

Describe the problem. Since its adoption in 2002, the Master Matrix has proven to be inadequate at protecting ground and surface water, the health and quality of life of neighbors, and the value of economically vital natural resources such as trout streams in NE Iowa and lakes in NW Iowa. A Des Moines Register poll in 2007 found that 64% of Iowans want some measure of local control restored in the siting of CAFOs. If recent media coverage of the subject is any kind of indicator, public support for better regulation may even have increased. Many believe that changes could be crafted that would protect the natural resource assets valued by all Iowans while at the same time protecting the vitality of the livestock industry. Indeed many expert analyses of the industry have offered realistic, practical solutions but the industry and its apologists have turned a deaf ear to them. No business and no society should allow the unscrupulous use of one asset to degrade others. We as County Supervisors are unable to fulfill our sworn duty to protect the assets, health and welfare of the citizens who elected us.

History of the problem. Like the poultry production before it, pork production went from being a small flock/ herd option for every farm to specialized, high productions operation where the semi load became unit of measure for feed and animals. As the size of the production model grew so did the potential for damage if systems or equipment failed. Odor, flies and noise also increased accordingly: properties adjacent to CAFOS plummeted in value and rural residents came to dread having a CAFO as a neighbor. Fearing that counties might restrict this production model, the 1995 Legislature and Governor Branstad pre-empted local control by establishing state regulation and monitoring. The industry now only has to lobby at the state level, which is far cheaper and more effective. The industry lobby remains a

disproportionately potent political force relative to its support from the public. Because of state pre-emption and because the Master Matrix allows county governments to do nothing more than “comment” on proposed CAFO construction the only remedy available to them is an appeal to the legislature. The responses by 64 counties in a survey of the Master Matrix done by the Dickinson County Supervisors in April 2015 clearly shows a need to revisit the Matrix. In 2017, thirteen counties adopted a resolution or letter urging the legislature to revisit the Matrix.

Why does the problem need legislative resolution? Answered in #3

What is the suggested solution? Please include code references. See #9

Since the Avian flu epidemic of 2015 exposed alarming vulnerability in livestock industry insecurity, the industry has shown its’ concern for adequate separation distances between neighboring CAFOs because Avian flu transmission was found to be airborne. Establishing separation distances should be done to protect the security of the industry, the public health of rural residents, and the very significant taxpayer expenses of controlling/cleaning up livestock epidemics. I believe that opening a dialog with the industry on this subject could be a part of the broader dialog about fixing the Matrix.

Who will support the legislation? Who will oppose it? I believe a majority of Iowans will support it. It will be opposed by many in the legislature who are beholden to the industry and who fear political retribution. The Farm Bureau will almost certainly oppose it as they have in the past. It may be possible to have a productive discussion with the Pork Producers and with DNR director Gipp. Two of the twelve legislators who helped craft the Matrix, present State Senator David Johnson and former State Representative , now County Supervisor Mark Kuhn, both believe strongly in revisiting the Matrix.



Legislative Request Form

Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?

Does this issue or problem have statewide effects and why? Obviously this issue has statewide effects and if it is not addressed, we will witness and will bear the costs of the negative effects.

What data needs to be collected to support the issue? Reams of data from both inside and outside the state have already been collected and analyzed. Recommendations have been made. Examples of different regulatory approaches by other states can be compared and contrasted. Detailed changes specific to the Matrix have been offered by Iowa Citizens for Community Improvement. The inadequacy of the Matrix in protecting groundwater and surface water (2 Outstanding Iowa Waters) are exposed in DNR director Chuck Gipps' comments on a proposed operation in Allamakee County.

Contact Person

Name: John Beard

Office: Supervisor

County: Winneshiek

Telephone: home: 563-382-4993, cell: 563-387-7993

E-Mail: John.Beard@co.winneshiek.ia

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 29, 2016 to:

Jamie Cashman, Government Relations Manager

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, IA 50266

or

jcashman@iowacounties.org

DUBUQUE COUNTY LEGISLATIVE PRIORITIES FOR THE 2018 LEGISLATIVE SESSION
SUBMITTED TO THE IOWA STATE ASSOCIATION OF COUNTIES

August 4, 2017

Dubuque County Contact

County Supervisor Dave Baker
720 Central Ave.
Dubuque, IA 52001
dave.baker@dubuquecounty.us
563.258.1421

TAX REFORM

Problem: Maintain the current Tax Rollback System

Solution: As the State of Iowa determines how to manage its funding priorities, the legislature must understand that any reduction in tax rollbacks from counties will have a detrimental effect on County budgets.

TAX REFORM:

Problem: Provide funding for Iowa Water and Land Legacy and equalize county funding for Mental Health Regions

Solution: Our proposal would be to raise the current sales tax and use tax by one cent. The disbursement of the one cent increase in sales tax would be 3/8 of a cent dedicated to the Natural Resources and Outdoor Recreation Trust Fund, leaving additional sales tax revenue that can be used to fund mental health services, currently covered by county property taxes. The remainder of the increased revenue could be used to provide income tax relief. Please be advised that our support for an increase in the sales tax is contingent on this specific disbursement formula. (see below)

MENTAL HEALTH AND DISABILITY SERVICES FUNDING

- Problem:** Senate File 504 passed the legislation and the governor signed the bill, but does not provide a permanent financial file for the MH/DS system.
- Solution:** Legislation need to be submitted and the Iowa Code needs to be changed to allow those counties/regions to adjust the per capita amount based on what the region needs. (see attached)
- Problem:** Maintain the current system of IPERS retirement for all public employees.
- Solution:** Any change to the current system could significantly impact the benefit package Dubuque County offers to potential employees. Therefore, drastically impacting recruitment and our retention of our county employees.

UNFUNDED AND UNDERFUNDED MANDATES

- Problem:** We encourage the legislature to act to reduce the instances of cost shifting and identify and eliminate the burdens these place on county property taxpayers. The areas that have the largest impact on local property taxes are the co-location of state offices such as Judicial Administrative services, the Department of Human Services and Juvenile Court Services. In addition, courtroom technology upgrades and maintenance of technology systems, Courthouse Maintenance and Security costs, paper document storage and county publishing costs.
- Solution:** Eliminate the requirement that counties subsidize the local office expenses of state agencies. Provide a funding mechanism to share the costs of Courthouse maintenance and security. Develop a more clear definition of the requirement for paper document storage, standards for digital records retention and a cost reducing method for county publishing costs.

1.

TECHNOLOGY INFRASTRUCTURE

- Problem:** We need to address and have a vision for future technology and infrastructure requirements.
- Solution:** We support the adoption of a Dig Once Policy, which would require any construction project and/or road construction project by a municipality of any kind, be it local, state, federal or public school related to include funding for

engineering and materials to install conduit that it can then be sold or leased to private sector companies and/or used by other municipalities. The spirit of the Dig Once Policy is not to be a revenue/profit driver for the municipality that installs the conduit, but to encourage and stimulate the future deployment of telecommunications technologies. (see attached)

ZONING

Problem: There is no mechanism for counties to recoup taxpayer money in a timely manner that is used to abate or correct a zoning violation, such as an illegal junk yard. A judge can order the cost to clean up the property “as a personal judgement against the defendant or assessed against the property where the violation occurred, or both.” This does not guarantee that the county taxpayers will receive reimbursement in a timely manner.

Solution: Amending Iowa Code Chapter 331.307 - County Infractions to allow a judicial remedy to assess the cost of a zoning violation cleanup onto the property to be collected as property tax. (see attached)

REAP AND TRAIL FUNDING

Problem: Historical reduction of REAP funding for projects.

Solution: Fully fund the REAP Program at the previous \$20 million level. We believe that these funds should be focused on identifying and addressing the issues of trail connectivity across our state.



Legislative Request Form

The Legislative Policy Request Form is to be filled out by affiliates or individual members of ISAC. The form is the official avenue through which proposals are brought to the full ISAC Legislative Policy Committee to be considered as priorities during the 2018 legislative session.

Please fill out the form as completely as possible

Date of Submission:

- 1. Title: Mental Health and Disability Services Funding**
- 2. Describe the problem. Senate File 504 passed the legislation and the Governor signed the bill but does not provide a permanent financial file for the MH/DS system.**
- 3. History of the problem. In 1995, the General Assembly enacted SF 69 (Property and Income Tax Act) that changed the way the county MHDS system was funded and how the county mental health property tax was levied.**

After FY 1996, with no option to increase the county levy and no growth in the rate due to increased property value, the State became responsible for funding all new growth in the system. As a result of the dollar limit freeze, county property tax rates for the levy declined between 1996 and 2016 as property valuations increased. When counties locked in levy rates in 1995, there was significant variation between county levies, and with the growth and shift in population since 1996, those variations have only increased.

In 2012, SF 2315 (Adult Disability Services Redesign Act) created a new mental health property tax levy that began July 1, 2013. The new levy has a cap of \$125.8 million, the same dollar amount as the previous levy; however, it is converted to a county per capita dollar amount based on general population with a new dollar target of \$47.28 per capita. Senate File 2315 also shifted the county mental health system to a regional funding, creating 14 mental health regions. Most regions pool their levies, creating a funding challenge for those counties with a low per capita levy rate due to inequity.
- 4. Why does the problem need legislative resolution? 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.**

5. What is the suggested solution? Please include code references. 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 abilities to levy the necessary amount to fund these services to complete the final piece of mental health redesign. See number 4 on page 1.
6. Who will support the legislation? Who will oppose it?
7. Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill? Bill History 2017 Legislation: SF 504, SSB 1187, HF 650, HSB 194
8. Does this issue or problem have statewide effects and why? Code change is needed to allow those counties/regions to adjust the per capita amount based on what the region NEEDS.
9. What data needs to be collected to support the issue? In the past data to develop fiscal impact is available from the Division of the Legislative Services Agency and the Department of Human Services.
10. Contact Person
Name:
Office:
County:
Telephone:
E-Mail:

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 28, 2017 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
or
jcashman@iowacounties.org



Legislative Request Form

The Legislative Policy Request Form is to be filled out by affiliates or individual members of ISAC. The form is the official avenue through which proposals are brought to the full ISAC Legislative Policy Committee to be considered as priorities during the 2016 legislative session.

Please fill out the form as completely as possible

Date of Submission: **July 31, 2015**

1. **Title:** **Amendment to Iowa Code Chapter 331.307 County Infractions**
2. **Describe the problem.** There is no mechanism for counties to recoup taxpayer money in a timely manner that is used to abate or correct a zoning violation such as an illegal junk yard. The judge can order the cost to clean up the property "as a personal judgement against the defendant or assessed against the property where the violation occurred, or both." This does not guarantee that the county taxpayers will receive reimbursement in a timely manner.
3. **History of the problem.** When Dubuque County was trying to decide on how to pursue enforcement on an ongoing junkyard that had been to court several times, the Assistant County Attorney said that the County could not get reimbursed for the cleanup costs through a Special Assessment on the owner's property taxes. The extensive cost of cleaning up the property and the worry that the county tax payers would be stuck with the bill was prohibiting the Board of Supervisors from pursuing final resolution of the zoning violation. This has allowed the property owner to continue to violate the law for several years after the court ruled on the violation case.
4. **Why does the problem need legislative resolution?** The Iowa Legislature has control over what the courts can and cannot do in regard to County Infractions.
5. **What is the suggested solution? Please include code references.** Zoning violations are handled through the courts under Iowa Code Chapter 331.307 County Infractions. This chapter allows counties to "abate or correct the violation" and the judge to enter the cost to clean up the property "as a personal judgment against the defendant or assessed against the property where the violation occurred, or both." See Section 331.307(9)(a)(5). If a defendant does not have the money to pay for the cost of cleanup, then there is no way to force a timely payment of the debt owed to counties.
Under Iowa Code Section 331.384 Abatement of public health and safety hazards – special assessments, counties are allowed to "perform the required action and assess the costs against the property for collection in the same manner as a property tax". The underlined portion of the text is what needs to be added to Section 331.307(9)(a)(5) for counties (and in Section 364.22 Municipal Infractions for cities).
6. **Who will support the legislation? Who will oppose it?** Most counties would support this legislation as well as the Urban County Coalition and the League of Cities. We do not know who would oppose it.
7. **Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?** This legislation has the support of the Urban County Coalition. Dubuque County is still seeking sponsors for this bill.
8. **Does this issue or problem have statewide effects and why?** Yes, this bill will affect all counties and cities that have adopted zoning regulations. It would benefit almost every county and the taxpayers in their jurisdiction.

9. What data needs to be collected to support the issue? None.

10. Contact Person

Name: Daryl Klein

Office: Chairperson, Board of Supervisors

County: Dubuque

Telephone: (563) 589-4441

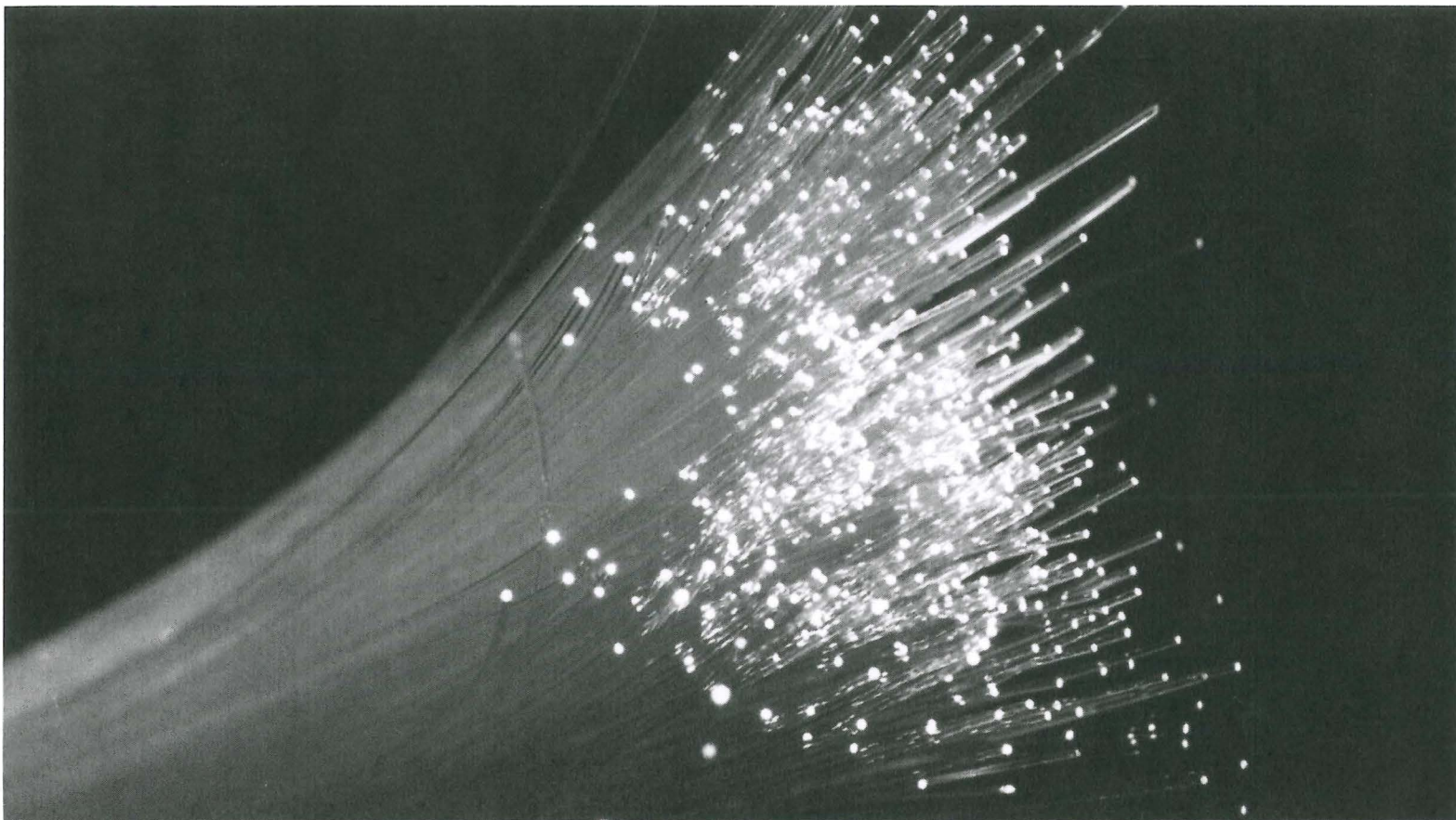
E-Mail: MaryAnn.Specht@dubuquecounty.us

Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by July 31, 2015 to:

Jamie Cashman, Government Relations Manager
Iowa State Association of Counties
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
or
jcashman@iowacounties.org

ctc technology & energy

engineering & business consulting



Technical Guide to Dig Once Policies April 2017

Columbia Telecommunications Corporation

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1 Executive Summary

During his campaign, President Trump vowed to rebuild the nation's infrastructure, with a plan to spend more than \$500 billion fixing the country's aging roads and highways. This type of investment could also provide an opportunity for local and state governments seeking to increase the deployment of broadband networks.

While internet service providers are often trying to reach new consumers, the process of installing fiber networks can be prohibitively expensive and time-consuming. Local and state governments can ease the process by adopting a "dig once" policy, which requires public and private excavators to coordinate with local government on the installation of extra fiber or conduit whenever ground will be broken in the public right-of-way (PROW).

"Dig once" policies were identified as a best practice for local governments by the Obama administration's Broadband Opportunity Council as a means of enhancing competition in the broadband market.¹ The Council noted an important truth: "While sound national policies and programs are important, most decisions on broadband investment are made by Local governments in partnership with the private sector, guided by State law."

Dig once policies have many benefits,² including:

- Protecting newly and recently paved roads and sidewalks
- Enhancing the uniformity of construction
- Ensuring efficient, non-duplicative placement of infrastructure in the PROW
- Reducing overall costs of all underground work in the PROW, both utility- and telecommunications-related, for public and private parties
- Facilitating private communications network deployment by reducing construction costs

¹ "Broadband Opportunity Council Report and Recommendations," U.S. Department of Commerce and U.S. Department of Agriculture, August 20, 2015, https://www.whitehouse.gov/sites/default/files/broadband_opportunity_council_report_final.pdf (accessed July 26, 2016). *See also*: "Executive Order on Accelerating Broadband Infrastructure Development," Federal Highway Administration, U.S. Department of Transportation, May 5, 2016, <http://www.fhwa.dot.gov/policy/otps/exeorder.cfm> (accessed July 26, 2016).

² We analyzed the benefits of dig once policies in "Gigabit Communities," an independent white paper commissioned by Google (<http://www.ctcnet.us/wp-content/uploads/2014/01/GigabitCommunities.pdf>).

- Leveraging construction by third-party entities for the deployment of a public communications network, or deployment of conduit that can be made available to other entities

While dig once policies are beneficial, they are not a one-size-fits-all policy prescriptive. To develop “best practices” guidance for local governments, we surveyed the approaches adopted or proposed by jurisdictions across the country. In the process, we interviewed representatives of cities and other government entities that have adopted such policies, and reviewed the treatment of costs in dig once scenarios.

Based on our survey and our own experience, we identified three general approaches:

1. Some communities require an excavator applying for a permit in the PROW to notify utilities and other relevant entities about the project and invite their participation.
2. Localities with a “shadow conduit” installation policy require the excavator to install excess conduit for future use; depending on the policy, the excavator or the jurisdiction may then lease that excess capacity.
3. Other localities undertake a longer-term process, coordinating multi-year plans with excavators.

We recommend that localities consider the following steps in developing an ordinance or policy:

- Prioritize projects suitable for additional construction, based on a scoring mechanism
- Develop a refined estimate of the incremental costs during the design stage
- Develop a standard engineering specification for dig-once conduit
- Develop a procedure to systematically track and manage the construction and to create a repository of existing infrastructure

2 The Case for Dig Once Policies

Constructing fiber optic communications cables is costly, complex, and time-consuming. The high cost of construction creates a barrier to entry for potential broadband communications providers.

While aerial construction methods, requiring attachments to utility poles, are usually less expensive than underground construction, aerial installation may have significant drawbacks—including a limit to the quantity of cables and attachments that can be placed on existing utility poles in more crowded areas, and greater exposure to outside conditions.

Underground construction, using protective conduit, generally provides scalable, flexible, and durable long-term communications infrastructure, but is also typically more expensive than aerial construction. Further, cutting roads and sidewalks substantially reduces the lifetime and performance of those surfaces. And each excavation diminishes the space available for future infrastructure.

Accordingly, encouraging or requiring simultaneous underground construction and co-location of broadband infrastructure in the PROW creates benefits for both the community and private sector communications providers.

Dig once policies reduce the long-term cost of building communications facilities by capitalizing on significant economies of scale through:

1. Coordination of fiber and conduit construction with utility construction and other disruptive activities in the PROW.
2. Construction of spare conduit capacity where multiple service providers or entities may require infrastructure.

These economies exist primarily because fiber optic cables and conduit are relatively inexpensive, often contributing to less than one-quarter of the total cost of new construction. While material costs typically fall well below \$40,000 per mile (even for large cables containing hundreds of fiber strands), the cost of labor, permitting, and engineering commonly drives the total fiber construction price toward \$200,000 per mile for standalone projects.

Another motivation for coordinating construction is to take the opportunity to build multiple conduit in a closely packed bank. Banks of conduit constructed simultaneously allow a single excavation to place several conduit in the physical space usually used by one or two. Conversely, multiple conduit installed at different times must be physically spaced, often by several feet, to prevent damage to one while installing the next. Once the PROW becomes crowded, the options

for future construction are reduced, leaving only less desirable methods and more-costly locations for construction of additional infrastructure.

The key benefits achieved through coordinated construction efforts include reduced costs for:

- Labor and material, through reduced crew mobilization expenses and larger bulk material purchases;
- Trenching or boring, when coordination enables lower-cost methods (e.g., trenching as opposed to boring) or allows multiple entities to share a common trench or bore for their independent purposes;
- Traffic control and safety personnel, particularly when constructing along roadways that require lane closures;
- Engineering and surveys associated with locating existing utilities and specifying the placement of new facilities;
- Engineering and surveys associated with environmental impact studies and approvals;
- Leasing access to private easements, such as those owned by electric utilities;
- Railroad crossing permits and engineering;
- Restoration to the PROW or roadway, particularly in conjunction with roadway improvements; and
- Bridge crossing permits and engineering.

3 Dig Once Conduit Installation

There are several possible standardized approaches to conduit installation. We describe below two potential dig once approaches that consider the placement of “shadow” communications conduit in coordination with trenching performed by an excavator. The two approaches are designed for two different scenarios. In the first, the added dig once infrastructure can share the same trench with no modifications; in the second, the additional conduit cannot share the standard trench (e.g., due to potential interference between the dig once conduit and the primary construction), thus requiring the two conduit to be offset in a wider trench.

These scenarios assume that the locality has identified a given corridor as suitable for conduit installation, and that it has justified the incremental cost and effort for installation—potentially based on a standard set of criteria such as those in Section 5.1.

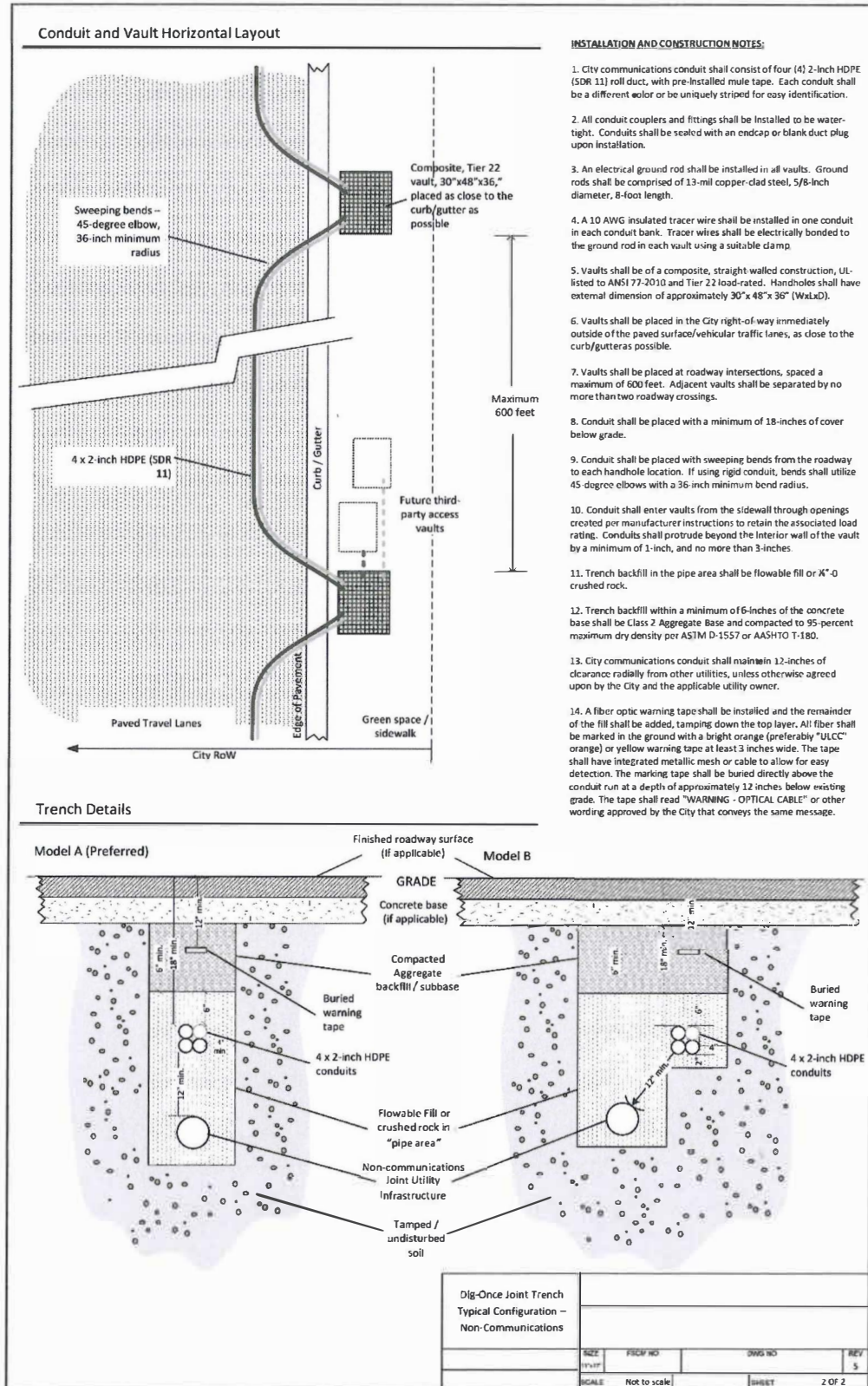
Ideally, the dig once conduit is placed over the excavator utilities. This reduces or eliminates the need for additional trenching and would incur the lowest incremental cost. With the permission of the utility owner, it may be possible to place the dig once conduit directly over the utility conduit (see “Model A” in Figure 1 below). This is a potential approach when the utility is a communications utility. Reducing the clearance between the utility and the dig once conduit will reduce or eliminate any incremental excavation to accommodate the dig once conduit.

In some scenarios, the conduit may need to be offset horizontally from the utility Infrastructure. This may be the case where the infrastructure is a water pipe that should be offset for ease of maintenance, for example. Offsetting the dig once conduit may also reduce the risk of the conduit being damaged by a broken water pipe or by repair to that pipe. “Model B” in Figure 1 depicts a dig once scenario in an offset trench.

Figure 2 is a vertical profile for a typical vault installation. (A vault—also known as a manhole or handhole—is an underground enclosure for accessing or storing fiber cable.) There should be space for third-party vaults for use by third parties, adjacent to the main vaults. Third-party service providers will have access to the conduit at their vaults; all other vaults and conduit will only be accessible by the locality or by contractors managing the conduit for the locality.

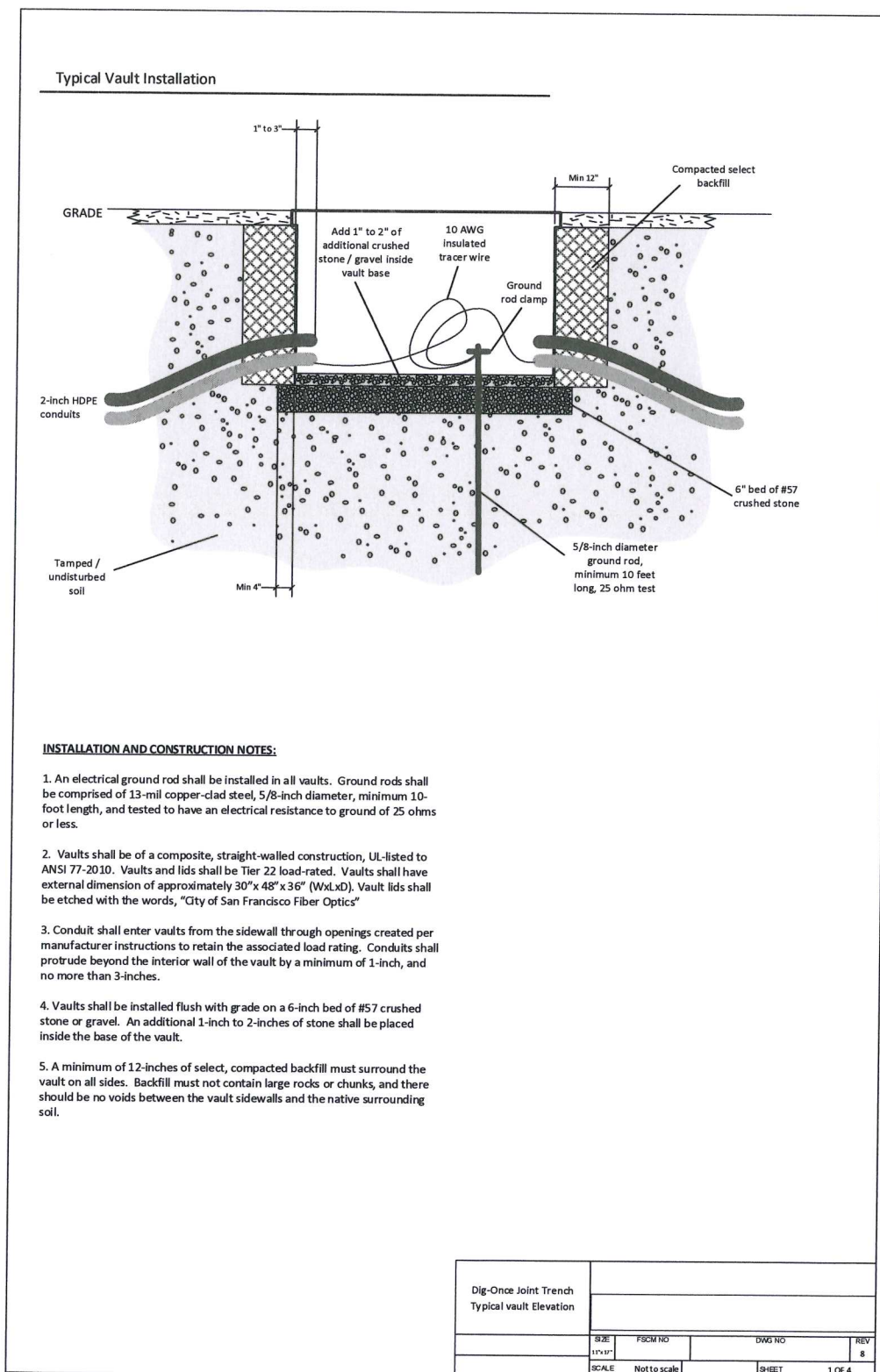
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Figure 1: Typical Configuration for Conduit in Dig Once Opportunity



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Figure 2: Vertical Profile for Typical Vault Installation



4 Dig Once Policies Across the Country

Cities and counties across the country have developed and implemented dig once policies. The primary motivation for municipalities has been to preserve the PROW and improve the telecommunications competition in the market.

The following are a range of policies we have seen. Table 1 summarizes the different examples.

- a. Boston was one of the first major cities in the country to implement a dig once policy, adopted in 1988. In the first few years of adoption, all excavators in the PROW were required to install a bank of four 1.5-inch conduit during construction. The cost to lease the conduit was a one-time fee of the inflation-adjusted value of the original construction cost of the conduit,³ plus an annual fee of \$5 per foot.

The quality of the conduit varied greatly across the system, however, and the service attracted few users. The costs associated with leasing were high, and there was no discount to reflect the decreased value of the conduit due to depreciation. Potential users of the conduit often chose to build on parallel streets. Thus, the extent to which this policy became successful depended on factors such as cost and demand for interconnectivity.

The City is now in the process of conducting a survey to assess the quality of the existing conduit. Over the past year, the policy was modified to require excavators to install 4-inch shadow conduit for the City and other future users. Future users will be required to lease space in the conduit from the shadow builder before being allowed to dig again in that corridor. The lease price is the initial value of construction for the right of entry (or equivalent)⁴ in addition to an annual fee of \$5 per foot. The City also has a five-year moratorium once construction in a particular PROW takes place (i.e., a new excavator in that location would have to conduct restoration from curb to curb).

- b. The City of Berkeley, California, does not have a dig once ordinance but it has municipal policies aimed at reducing the impact of construction in the PROW for telecommunications systems. These policies mandate that any excess capacity in existing or future duct, conduit, manholes, or handholes be made available by the excavator for use by third parties. Also, a prospective excavator would have to coordinate major construction efforts in the PROW with other utility companies through City-sponsored utility coordination meetings. In new developments, a provider would contact the

³ The user pays for the fraction of the bank used. If the user uses one of the four conduit, it pays one-fourth of the construction cost.

⁴ Based on e-mail correspondence with City staff. A review of the finalized lease agreement has been requested for confirmation of the lease pricing.

developer to determine whether any surplus conduit exists and whether any joint trenching or boring projects are feasible.

In a new installation that would require excavation, the provider shall install within existing infrastructure whenever sufficient excess capacity is available on reasonable financial terms. Also, the City does not allow a company to excavate if the street has been reconstructed in the preceding five-year period.

- c. The City of Bellevue, Washington, does not have a dig once requirement. However, the City conditions development projects on the excavator providing the City with conduit through the length of the frontage and also possible street lighting and/or signal upgrades. Every transportation project that constructs on the sidewalk is required to install conduit.
- d. The Central Coast Broadband Consortium (CCBC) is a group of local governments that aims to promote broadband availability, access, and adoption in Monterey, Santa Cruz, and San Benito counties in California. The CCBC has developed a model shadow conduit policy for the local governments that would allow for the installation of additional conduit in the PROW when a construction permit is requested by a telecommunications or utility service provider. The model policy would allow for the jurisdiction to open a 60-day window to notify all other known telecommunications and utility providers in order to coordinate with the placement of conduit in the PROW. The permit applicant would be the lead company and the other providers would piggyback on the installation. Under California law, the lead company has the ability to charge fees for the installation of communications conduit in the PROW. One of the goals of the CCBC through this policy is to increase competition by reducing the cost of entry for future service providers.
- e. The City of Gonzales, California, developed a dig once policy for public works projects, including construction and maintenance of transportation and utility infrastructure. Excavators in the PROW are required to install communications conduit. An exception is allowed if the City determines there is insufficient cost benefit. The City developed common standards related to the conduit, including:
 - Use of PVC Schedule 40 material (color orange)
 - Laid to a depth of not less than 18 inches below grade in concrete sidewalk areas, and not less than 30 inches below finished grade in all other areas when feasible, or the maximum feasible depth otherwise
 - A minimum 2-inch diameter

The costs associated with the installation of the conduit are covered by the public works budget, and the City owns the conduit.

- f. The City of Santa Cruz, California, implemented a dig once policy with the primary aim to foster telecommunications market competition and to create a provision for the installation or upgrade of telecommunications cable or conduit for City use. Staff notifies all excavators in the City of the opportunity to join the open trench and helps coordinate efforts for multiple parties to join the dig. City staff works with contractors to identify the most cost-effective approach consistent with City requirements to obtain upgrades in the PROW. The City also enacted a moratorium on standalone construction in the excavation area, in order to protect the PROW after the excavation.
- g. The City of San Francisco, California, developed a dig once ordinance that modifies the city's Public Works Code provisions governing utility excavation—specifically, the Code's requirements for coordination.⁵ The Department of Public Works (DPW) can only approve an application for an excavation permit if the applicant's plans include the installation of communications facilities (e.g., conduit) that meet the Department of Technology (DT) specifications, unless DT has opted out of the excavation project.

Excavators (both internal and external) are required to place conduit for the use of DT as well as conduit available for leasing. DT is responsible for the excavator's incremental costs. The city requires proposing the installation of four 1-inch conduit with manholes at regular intervals. The shadow conduit is required to be placed in a joint trench above the excavator's conduit.

The beginning phase of this ordinance was started in Fall 2014 and the Order was adopted in 2015. The City is now in process of prioritizing projects (based on a cost-benefit analysis) through a scoring mechanism, because the costs are higher with joint build construction. These high costs are typical of urban settings. The City is using its Accela right-of-way asset management system (formerly Envista), a map-based application, to document and analyze excavator plans, in some cases years ahead of construction, to identify, analyze, and coordinate projects.

- h. San Benito County, California, has incorporated a dig once policy as part of its multi-use streets policy by requiring County roadway construction projects involving more than surface pavement treatment to include underground utility conduit. The County is also a partner in a municipal fiber network and aims to use this policy to expand the network.

⁵ "Article 2.4: Excavation in the Public Right-of-Way," Public Works Code, available at: <http://tinyurl.com/kqggop5>

i. In Arlington County, Virginia, a large electric utility project by Dominion Virginia Power, an investor-owned utility, required construction of underground conduit along many miles of congested urban PROW. As part of the utility permitting and coordination, the County entered into an agreement with the utility to construct fiber optics for the County's use in parallel conduit and manholes. The County, which pursued the project independently of any dig once ordinance, received cost estimates for each segment in the design phase and decided to proceed based on the estimates. As part of the agreement, the County provided the specifications for the conduit and the fiber. The specifications included:

- Two 4-inch conduit with tracer wire installed at a minimum of 24 inches from the top of the power line trench
- Splice boxes (24 x 36 x 36 inches) located approximately 600 feet apart
- Installation of one set of three 1.25-inch innerduct in each 4-inch conduit
- Installation of one 144-fiber cable in one innerduct of each 4-inch conduit, leaving a 50-foot coil in each

The acceptance of the installation was done only after the County had inspected and tested the conduit and fiber, and payment was made thereafter.

Table 1: Sample Dig Once Summaries

| Locality/Network | Summary | Costs |
|--------------------------|--|---|
| (a) City of Boston, MA | <ul style="list-style-type: none"> • Shadow conduit installation • Conduit system not standardized • Expensive for potential users of conduit | One-time cost: Value of construction + \$5/foot/year |
| (b) City of Berkeley, CA | <ul style="list-style-type: none"> • Excess capacity required to be made available for leasing | Determined by lessor of excess capacity |
| (c) CCBC | <ul style="list-style-type: none"> • Consortium of local governments developed a model ordinance • Shadow conduit installation • 60-day notification window when permit application is received | Not determined, possibly shared construction costs or charges by lead company |

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| Locality/Network | Summary | Costs |
|-------------------------------|--|---|
| (d) City of Bellevue, WA | <ul style="list-style-type: none"> • Additional conduit during some capital improvement and development projects • Transportation projects required to install conduit | Funded from City budget |
| (e) City of Gonzales, CA | <ul style="list-style-type: none"> • Shadow conduit installation • Standards developed for conduit • Decision to install conduit only if the cost-benefit analysis is favorable | Public Works budget |
| (f) City of Santa Cruz, CA | <ul style="list-style-type: none"> • Joint build based on costs • Optional bids for extra ducts | Joint build costs and/or City budget |
| (g) City of San Francisco, CA | <ul style="list-style-type: none"> • Shadow conduit installation and conduit available for leasing • Project prioritization based on scoring mechanism | Incremental costs paid by City, priced at \$20.07 per foot (shared trench) and \$29.14 per foot (offset trench) |
| (h) San Benito County, CA | <ul style="list-style-type: none"> • Conduit to be constructed as part of County road projects • Coordination with County fiber build | County capital program funds |
| (i) Arlington County, VA | <ul style="list-style-type: none"> • Obtained conduit and fiber as part of an agreement for an electric grid upgrade project in the PROW by investor-owned electric utility • County developed specifications and inspected installation | County funds, \$392,082 for 21,700 feet |

5 Recommendations for Enacting a Dig-Once Policy

We recommend that a locality considering a “Dig Once Ordinance” or related policies consider the following processes:

5.1 Prioritize Projects for Building

The cost of installing conduit is drastically reduced when a trench is already dug. However, the cost is still significant, and a locality will need to prioritize projects that achieve the most value for the money spent, and maximize the likelihood of the conduit being used. Because of the cost of conduit installation, even in a dig once opportunity, it is necessary to prioritize construction to ensure that 1) priorities are identified when dig once opportunities emerge, and 2) resources are not wasted in building conduit that is unlikely to be used.

We observe that the following factors typically result in less useful conduit, based on our experience in a range of dig once settings:

- Ability to use utility poles along the same path with a reasonable cost of attachment;
- Excavation projects that extend only a short distance, such as for a few blocks;
- Excavation projects isolated from other projects and existing fiber and conduit infrastructure;
- Excavation projects in low- and medium-density residential areas, not in proximity to government facilities, community anchor institutions, or large developments; and
- Excavation projects that only affect the top layer of the street

We also note that the cost of conduit construction is approximately 50 percent higher in dig once opportunities where the excavator is not digging a trench,⁶ or where the trench cannot be shared or needs to be widened for placement of the dig once conduit.

To ensure that dig once projects are both financially feasible and consistent with a locality’s long-term goals, we recommend prioritization based on the following factors:

1. Ability to place conduit over long, continuous corridors
2. Proximity of the project to government and community anchor facilities requiring service
3. Lack of existing locality communications infrastructure in the vicinity

⁶ An excavator may use directional boring or microtrenching instead of trenching, typically resulting in higher incremental cost for dig once than a project where the excavator is digging a trench.

4. Potential interest in conduit from partners or customers (e.g., government departments, service providers, or developers)
5. Lack of cost-effective alternatives due to physical constraints in the vicinity (e.g., targets of opportunity such as bridges or freeway underpasses)
6. Lack of capacity on utility poles along the route
7. Low risk to dig once communications infrastructure (e.g., electrical and communications conduit in dig once construction is in closer proximity to the dig once conduit than other types of utilities, making the dig once conduit more visible to the excavator and therefore easier to avoid in the event the excavator's conduit needs to be repaired)
8. Limited delays to critical infrastructure (i.e., the incremental days for dig once coordination must not create a public safety risk)
9. Beneficial project cost (i.e., prioritizing projects with lower-than-average costs)
10. Synergies with opportunistic major projects, such as highway, mass transit, or bridge replacement
11. Plans for major right-of-way crossings, such as railroad, water, highway, or interstate, which often are difficult for private carriers to facilitate or justify
12. Conduit placement for building fiber into key sites, data centers, or facilities deemed potential targets for redevelopment

As opportunities emerge, or as existing opportunities are reviewed, we recommend they be evaluated, scored, and ranked based on the above criteria.

5.2 Estimate Incremental Costs

Localities need to understand the incremental costs associated with design and construction of the additional infrastructure in order to determine whether the project is a good opportunity for dig once. In many cases, the incremental costs of construction are borne by the jurisdiction. Many policies also provide exceptions or forego the excess conduit construction if the cost-benefit analysis is not reasonable.

For cost estimation purposes, the incremental cost is the cost of additional materials (conduit, vaults, location tape, building materials) and labor (incremental engineering, incremental design, placement and assembly of incremental conduit, placement of incremental vaults, interconnection, testing, and documentation).

The cost does not have to include roadway or sidewalk restoration or paving (which we assume to be part of the original project) beyond that which is specifically required for the placement of vaults for a locality's communications conduit within paved or concrete surfaces outside of the original project boundaries.

In a trenching project, where trenches are joint, the cost does not include trenching or backfilling. Where the dig once trench is separate from the original trench, the incremental cost includes trenching and backfill, but does not include repaving or restoring the road surface (again, assumed to be part of the original project).

Average costs may be derived based on multiple contractor pricing schedules. As a locality gains experience by participating in projects, it will develop a more accurate sense of cost.

5.3 Develop a Standard Specification

The challenge in developing a standard specification for a dig once project is to incorporate the requirements of known and unknown users, and to provide sufficient capacity and capability without excessive costs.

The following factors may be considered in developing a conduit specification:

1. Capacity—sufficient conduit needs to be installed, and that conduit needs to have sufficient internal diameter, to accommodate future users' cables and to be segmented to enable conduit to be shared or cables added at a future date
2. Segmentation—users need to have the appropriate level of separation from each other for commercial, security, or operational reasons
3. Access—vaults and handholes need to be placed to provide access to conduit and the ability to pull fiber. Vaults need to be spaced to minimize the cost of extending conduit to buildings and other facilities that may be served by fiber
4. Costs—materials beyond those that are likely to be needed will add cost, as will the incremental labor to construct them. Beyond a certain point, trenches need to be widened or deepened to accommodate conduit
5. Robustness—the materials, construction standards, and placement need to reasonably protect the users' fiber, and not unduly complicate maintenance and repairs
6. Architecture—sweeps, bend radius, and vault sizes need to be appropriate for all potential sizes of fiber

We recommend further discussions with private carriers to better develop a specification. It may be appropriate to have a different specification for different projects. Based on our knowledge

of a range of dig once efforts, we believe the following sample approach is suitable for major corridors and can be modified as discussion proceed with excavators in the PROW:

- One or more 2-inch conduit, minimum SDR 11 HDPE, each of a separate color or unique striping to simplify identification of conduits within vaults and between vaults, in the event conduit must be accessed or repaired at intermediate points
- Composite vaults sized for the likely number of cables, placed in the sidewalk or available green space within the PROW, as close to the curb or gutter as possible
- Vaults spaced at intervals of 600 feet or less, typically at intersections (in urban and suburban areas)
- Sweeping conduit bends with a minimum radius of 36 inches to allow cable to be pulled without exceeding pull-tension thresholds when placing high-count fiber cables (e.g., 864-count)
- Conduit placed in the same trench directly above the excavator's infrastructure or, where this is not possible, placed with minimum horizontal offset to minimize cost

It is important to note that the above approach is designed to create consistency and predictability in costs and deployment and, of necessity, is a compromise among the potential users. Some users might prefer larger conduit for consistency with earlier builds. Others might seek a larger count of smaller conduit, to provide more flexibility. If an excavation project has a long time horizon and sufficient budget, it is possible to customize the dig once build, potentially adding conduit or adding vaults at particular locations.

Two-inch conduit has become a standard size for a wide range of construction projects, and can support the widest range of use cases. A single 2-inch conduit can accommodate a range of multi-cable configurations while retaining recommended fill ratios, allowing a single user to serve its backbone and access cable requirements with a single, dedicated conduit.

Compared to placing fewer, larger conduit segmented with innerduct, this approach provides greater opportunity for individual conduit to be intercepted and routed for future vault installation by a particular user. Additionally, 2-inch conduit is substantially cheaper to install and physically more flexible than larger varieties, offering more options to route around existing utilities and other obstructions.

5.4 Develop a Procedure to Track and Manage Infrastructure

A locality needs to develop a system to track its planned, ongoing, and completed construction in a timely way (potentially using an asset management system) and prioritizing and selecting projects for locality participation. The locality also needs a way to quickly notify potentially

interested parties and to coordinate participation with excavators. The impact on the excavator can be minimized through the use of a well-thought-out process that minimizes delays.

We recommend, at a high level, the following type of procedure. First, the excavator should submit dig once plans and cost estimates to the locality; the plans would need to include conduit per the dig once specifications. The locality should review the plans and cost estimates for consistency with the dig once requirements. If the plans are compliant and the cost estimates reasonable according to local costs and industry standards, the project could proceed; otherwise, the applicant would need to resubmit compliant plans. If the locality and the applicant were to reach an agreement, the locality could issue an approval; if not, the locality could decline to participate in the project.

After the excavator installs the conduit, the locality should inspect the conduit for quality and compliance with the dig once requirements. If the conduit were compliant, the excavator would submit as-built information. If the conduit were not compliant, the excavator and the locality would negotiate a remedy, and the excavator would perform the negotiated remedy. The locality would then re-inspect the conduit; if the conduit were compliant, the excavator would submit the as-built information and request reimbursement.

The excavator's as-built information should include scale plans of the completed project, including:

1. Vertical and horizontal position of conduit and vaults;
2. GPS coordinates for manholes;
3. Edge-of-curb offset measurement every 50 feet; and
4. Colors, diameters, and materials of conduit

6 Conclusion

For state and local governments and the public, the advantages of dig once policies are significant and easily understood. But, while fiber and conduit materials are relatively inexpensive, dig once construction is still costly—so many factors should be taken into consideration to ensure dig once policies are implemented in a cost-effective and useful way. Communication between local government and the companies that would potentially use the conduit is critically important. Localities should also establish a system to track its planned, ongoing, and completed construction.