

# 2018 Legislative Recommendations

This document was approved by the Iowa State Association of County Supervisors (ISACS) membership during the ISACS Business Meeting at the 2017 Iowa State Association of Counties (ISAC) Annual Conference.

## Contacts

**Jamie Cashman**  
ISAC Government Relations  
Manager  
515.210.9845  
[jcashman@iowacounties.org](mailto:jcashman@iowacounties.org)

**Eugene Meiners**  
ISACS President  
Carroll County Supervisor  
712.792.4923  
[gmeiners@netins.net](mailto:gmeiners@netins.net)

## Legislative Committee Members

Rick Hecht (Chair), Sac County  
Matt Greiner, Davis County  
Steve Kenkel, Shelby County  
Daryl Klein, Dubuque County  
Burlin Matthews, Clay County

Eugene Meiners, Carroll County  
Shannon Paulus, Mitchell County  
Rick Sanders, Story County  
Rod Sullivan, Johnson County  
Carol Vinton, Mills County

### Committee Staff:

Jamie Cashman and Lucas Beenken

## HOME RULE STATEMENT

The Iowa State Association of County Supervisors strongly believe in and support 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 MANDATE 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 "Watershed Authorities", through the effective use of 28E agreements. These "Watershed 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.