

# 2020 Legislative Priorities

88th General Assembly, 2nd Session





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5500 Westown Parkway, Suite 190

West Des Moines, IA 50266

Phone: 515.244.7181

Fax: 515.244.6397

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

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

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

# 2020 Legislative Policy Committee

The 2020 ISAC Legislative Priorities were developed by the ISAC Legislative Policy Committee (LPC). This committee is composed of two representatives from each affiliate and is chaired by Burlin Matthews, Clay County Supervisor and ISAC 2nd Vice-President. The committee has worked together to create a short and cohesive set of legislative objectives for ISAC to pursue in 2020.

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

The 2020 Legislative Objectives, Policy Statements and ISAC Top Priorities recommendations were presented to the membership, which voted online to recommend them to the ISAC Board of Directors. The Board approved the legislative package and set ISAC's Top Priorities during its November meeting.

## 2020 ISAC LPC Committee Members

**Committee Chair:** Carla Becker, Delaware County Auditor and ISAC 1st Vice-President

### Assessors

Pam Jensen, Adair County  
Tom Van Buer, Johnson County

### Auditors

Pat Gill, Woodbury County  
Shelley Wolf, Bremer County

### Community Services

Shane Walter, Sioux County  
Russell Wood, Franklin County

### Conservation

Dan Cohen, Buchanan County  
Matt Cosgrove, Webster County

### County Attorneys

Darin Raymond, Plymouth County  
Matt Wilber, Pottawattamie County

### Emergency Management

Thomas Craighton, Franklin County  
Lorie Glover, Black Hawk County

### Engineers

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

### Environmental Health

Eric Bradley, Scott County  
Brian Hanft, Cerro Gordo County

### Information Technology

Micah Cutler, Franklin/Hardin County  
Michelle Fields, Greene County

### Public Health

Kathy Babcock, Chickasaw County  
Lynelle Drier, Wapello County

### Recorders

Stacie Herridge, Story County  
John Murphy, Dubuque County

### Sheriffs and Deputies

Brian Gardner, Linn County  
Randy Rowland, Linn County

### Supervisors

Ken Abrams, Worth County  
Dawn Smith, Cedar County

### Treasurers

Tracey Marshall, Cass County  
Kris Rowley, Dickinson County

### Veterans Affairs

Patty Hamann, Cedar County  
Chris Oliver, Wright County

### Zoning

Joe Buffington, Henry County  
Josh Busard, Johnson County

## ISAC Government Relations Team



### Jamie Cashman

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

### Lucas Beenken

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

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# ISAC Top Priorities

## **Mental Health and Disability Services**

**PROBLEM:** Addressing long-term, sustainable funding has long been an issue since Iowa moved to a regional based mental health and disability services (MH/DS) delivery system. When the current MH/DS Property Tax Levy Caps were established, they were based on the core services mandated to MH/DS Regions at the time. Over the last two legislative sessions, new services for addressing complex mental health needs and services for children have now been mandated on the regions without any financial support from the state or giving the counties/regions the necessary ability to fund these services on their own.

**SOLUTION:** ISAC recommends that the 2020 Legislature:

1. Provide the needed funding to counties/regions to ensure stability in the mental health delivery system due to the increased demand for additional services.
2. If no essential revenue is provided from the state, counties should be allowed to exceed their current maximum per capita levy up to \$47.28 to fund new services.
3. If the above remedies are not advanced, an increase in the sales tax should be considered to fund MH/DS that must be constitutionally protected based on a distribution formula that is equitable for all counties in Iowa.

## **Commercial and Industrial Property Tax Backfill**

**PROBLEM:** The taxable valuation of commercial and industrial property was legislatively reduced by 10% beginning in FY 2015. A standing appropriation from the state to local property taxing jurisdictions was implemented to make up for the future reduction in property tax revenue due to this rollback. Local jurisdictions are already absorbing property tax revenue reductions due to the rollback on the new multi-residential classification, the rollback on railroad property, the new exemption for telecommunications property, and the reduced growth limitation for residential and agricultural property. Any reduction or elimination of the commercial and industrial property tax backfill would likely cause a property tax increase that would fall largely on homeowners and agricultural property owners, a reduction in important services the residents of Iowa depend on, or a combination of both.

**SOLUTION:** The legislature should fully fund the commercial and industrial property tax backfill and should resist legislation implementing a rapid elimination or that affects local budgets that have been set or are in the process of being set.

## **Water Quality and Quantity Management, Natural Resources, and Outdoor Recreation**

**PROBLEM:** There continues to be a need to provide adequate, sustainable, and dedicated state financial resources to address the state-wide concerns related to Iowa's water quality management issues. There also remain on-going water quantity management challenges that must be addressed in efforts to minimize future losses caused by flooding through effective flood mitigation programs. Finally, the Natural Resources and Outdoor Recreational Trust Fund has not been appropriated any funding since its inception in 2010. The Trust Fund is the best-known mechanism to address water concerns and also promotes public health and quality of life by ensuring enhanced opportunities for outdoor recreation.

**SOLUTION:** ISAC recommends the following:

1. The passage of a state-wide sales tax increase of at least 3/8s of one cent in support of the Natural Resources and Outdoor Recreation Trust Fund, or I-WILL, to which it is commonly referred.
2. The maintenance 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.
3. The passage of legislation that would support and encourage public sector entities, such as counties, to be directly involved in water mitigation projects that would involve county conservation boards, engineers, and supervisors.

## **Weight Limits on Secondary Roads**

**PROBLEM:** Legislation adopted in 2018 allows vehicles transporting materials or equipment to or from a construction project or commercial plant site to operate on secondary roads under the limits of the maximum gross weight table for primary highways. Secondary roads and bridges were not designed to accommodate these heavier, more concentrated loads. As a result, secondary bridges statewide will need to be inspected, and it is estimated that about 3,500 bridges will have new weight restrictions. The cost of inspecting and posting load limit signs is an unfunded mandate. The weight restrictions on county bridges will likely also affect other types of vehicles, particularly agricultural traffic, as the restrictions will be based on construction vehicles with concentrated loads that put far more stress on roads and bridges.

**SOLUTION:** Repeal changes made to Iowa Code §321.463(9) in HF 2502. If that is not possible, amend Iowa Code to only allow the increased weights on hard-surface secondary roads.

# Legislative Objectives

## **Certificate of the Treasurer**

**PROBLEM:** When a subdivision plat is submitted for recording, it must include a certificate of the treasurer that the land is free from certified taxes and special assessments or that the special assessments are secured by bond. There is currently no expiration date attached to the certificate of the treasurer.

**SOLUTION:** Amend Iowa Code §354.11(1)(f) to state that a certificate of the treasurer shall expire upon the next annual certification of taxes and that an expired certificate of the treasurer shall not be considered an acceptable document presented to the recorder for recording.

## **Certificates of Title**

**PROBLEM:** Iowa Code Chapter 321 outlines the process for the issuance of certificates of title and the initial registration of certain vehicles. The code currently requires certificates of title, initial registrations, releases of security interest, and replacement titles be done in the county of residence or primary use. Emerging technology allows the administration of these activities and the collection of associated fees to be done in any county to provide customer convenience.

**SOLUTION:** Amend Iowa Code Chapter 321 to allow for the issuance of certificates of title, initial registrations, releases of security interest, and issuance of replacement titles to be performed in any county. This amendment should not apply to mobile homes or manufactured homes, or to applications for title submitted through the electronic process. The fees for these issuances should be increased by \$5 to help the counties financially adapt to the procedural change.

## **County Seal**

**PROBLEM:** HF 692 amended Iowa Code §49.57, which requires that the county seal be included on all election ballots, replacing the requirement of the facsimile of the signature of the county commissioner of elections on each ballot. This new requirement has raised issues relating to the current provisions in the Iowa Code where the county seal is addressed. This is highlighted in counties where the county treasurer is listed on the official seal. Having the county treasurer listed on official documents not related to their duties, such as election ballots, will cause confusion. Furthermore, the intent to remove any identification between a county elected official and the ballot is not achieved.

In addition, the current provisions of Iowa Code §331.552 state that the seal shall be an impression seal. Digital images or rubber stamps have been implemented by counties to replace the use of an impression seal.

**SOLUTION:** Amend Iowa Code Section §331.301 to read:

A county body corporate for civil and political purposes and shall have a seal. ~~as provided in section 331.552, subsection 4.~~ The official seal shall be an impression seal on the face of which shall appear the name of the county, the word “county” which may be abbreviated, and the word “iowa”. Counties may use an electronic or rubber stamp image of the official seal in lieu of an impression seal. The official seal of the county shall be kept by the county auditor, serving as clerk to the board of supervisors.

Additionally, amend Iowa Code Section §331.52 to read:

Keep the official county seal provided by the county. The treasurer shall have a seal provided by the county. The official seal of the treasurer shall be an impression seal on the face of which shall appear the name of the county, the word “county” which may be abbreviated, the word “treasurer” which may be abbreviated, and the word “iowa”. County treasurers may use an electronic or rubber stamp image of the official seal in lieu of an impression seal. ~~The official seal shall be kept by the county treasurer.~~

## **Distracted Driving**

**PROBLEM:** Distracted, inexperienced, and impaired driving, as well as other factors, result in hundreds of deaths on Iowa’s roadways each year. While there is no simple solution to reduce the number of highway fatalities, there needs to be an enhanced effort on the awareness of the dangers of distracted and impaired driving. Legislation passed in 2017 to make texting while driving a primary offense is a step in the right direction, but more can be done to ensure “hands-free” driving.

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

## **Jail Medical Costs**

**PROBLEM:** As societal problems related to substance abuse and mental health continue to increase, Iowa’s county jail populations are growing, and individuals in jails with medical needs are creating one of the fastest growing cost drivers in Iowa sheriffs’ offices. Jail census increases every year as the weather turns colder because some know they will receive food, shelter, and medical care in jail.

# Legislative Objectives

**SOLUTION:** In 2019, legislation passed and was signed into law requiring hospitals to meet with sheriffs and counties to make recommendations on consistent procedures and rates for jail inmates statewide. ISAC supports laws similar to Nebraska and Missouri where the individual is first held accountable for medical costs received while in jail, before the county is automatically charged for such expenses. ISAC proposes consistent billing procedures and payment rates for jail inmates at the lowest allowable rate.

## **Public Measures on General Election Ballot**

**PROBLEM:** The current provisions in Iowa Code do not allow for public measures to be placed on the General Election ballot. This creates the environment of having more special elections which means additional cost to taxpayers.

**SOLUTION:** Amend Iowa Code §39.2 and the other numerous code sections that are relative to special elections.

## **Prisoner Room and Board**

**PROBLEM:** In a 2019 decision in the Albright case, the Iowa Supreme Court ruled that room and board charges for county jail should be dismissed whenever they deem an inmate does not have the ability to pay. In determining ability to pay, many judges are using the fact that an individual does not have a job at the time of release and are waiving room and board fees. ISAC does not support those decisions because many individuals leaving jail will have the ability to work. Further, ISAC does not support passing these costs on to local taxpayers.

**SOLUTION:** ISAC supports a proposal by the Iowa County Attorneys Association to address the Albright decision—which supports jail inmates being held accountable for fines, fees, and court costs currently allowed by Iowa law

## **Resource Enhancement and Protection (REAP) Program**

**PROBLEM:** Iowa's Resource Enhancement and Protection (REAP) Program is funded through the state's Environment First Fund that invests in the natural and cultural resources of Iowa through a formula that includes the following: Conservation Education - \$350,000; Historic Resources - 5%; Roadside Vegetation - 3%; Public Land Management - 9%; City Parks and Open Space - 15%; Soil and Water Enhancement - 20%; County Conservation - 20%; State Open Spaces - 28%; and Administration - 1%.

The Program is authorized in Iowa Code to receive \$20 million annually, plus revenues from the sale of Natural Resource license plates. However, the program has never been fully funded and was again decreased 25% last year to \$12 million with another \$3 million of this amount being diverted from the formula for state park operations and maintenance.

**SOLUTION:** Fully fund the Natural Resource and Outdoor Trust Fund which would automatically fully fund REAP. If that would not be possible, ISAC supports full funding through gaming receipts as originally intended and an extension of the REAP program sunset by at least 10 years to 2031.

## **Super Speeders**

**PROBLEM:** Iowa law makes it extremely difficult to prosecute high rates of speed as reckless vehicular homicide when such conduct results in the death of another. Iowa's reckless standard is higher than just about anywhere else in the country, at times leaving excessive speed resulting in the death of another as a simple misdemeanor traffic violation. According to NHTSA, speed-related deaths increased 4% in 2016, while deaths caused by drunk drivers increased only 1.7%.

**SOLUTION:** Enhance penalties by amending Iowa's vehicular homicide statute to include exceeding the speed limit by 25 miles per hour or more resulting in the death of another

# Policy Statements . County Administration and Organization

## **Absentee Ballot Commencement Date**

Prior to passage of House File 516, the county commissioner of elections was required to begin mailing absentee ballots to those who had requested one “as soon as ballots were printed.” In addition, the commissioner of elections was required to provide access to absentee voting in person at the commissioner’s office also when the ballots were made available but no sooner than 40 days prior to the election. After HF 516, both processes now cannot begin until 29 days prior to 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 to the voter, it is also problematic for the commissioner’s office and staff. ISAC supports the reinstatement of the language in Iowa Code prior to HF 516 that would allow county commissioners of elections the ability to mail absentee ballots after they are available and to allow absentee ballot voting at the commissioner’s office 40 days prior to the election.

## **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 ensure 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.

## **County Courthouse Furniture and Equipment Funding**

As we have seen county courthouse infrastructure deteriorating in Iowa, some counties have looked to bond referendums to address improvements to their court facilities. Iowa Code §602.1303 mandates that counties shall provide courtrooms, offices and other physical facilities which, in the judgement of the board of supervisors are suitable for the district court, and the counties bear those financial costs that are associated. All additional court expense responsibilities are outlined in Iowa Code §§602.1302 and 602.11101 which require the furnishings, supplies and equipment for the judicial officers and court staff to be paid from funds appropriated by the Iowa General Assembly for the Iowa Judicial Branch. As some counties have recently passed referendums for court renovations and have met their financial obligations according to Iowa Code, the Iowa General Assembly has failed to appropriate the funding the Iowa Judicial Branch needs for the furniture and equipment of the courts. This lack of funding will result in increased construction costs and serious delays in the opening of these facilities whose improvements were approved by over a 60% majority of the residents of the county. ISAC supports the necessary state funding to the Iowa Judicial Branch for the furniture and equipment needs of Iowa courts as mandated in Iowa Code.

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

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

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

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

# Policy Statements . County Administration and Organization

## **Geographic Information Systems (GIS)**

Geographic Information Systems (GIS) data is playing an increasingly important role at all levels of government. The implementation and maintenance of an up-to-date system is vital to many county functions and is necessary to meet the increasing demands from the public and government agencies for spatial information. ISAC supports the collaborative efforts among multiple government agencies that are engaged in the Iowa Geospatial Infrastructure program. ISAC encourages continuing efforts toward building partnerships and the identification of funding for sustainable and integrated GIS at all levels of government.

An accurate census count is important to both states and local jurisdictions for many reasons, including electoral representation and federal assistance programs. The address information provided by the Census Bureau is not comprehensive so accurate address maintenance falls to local jurisdictions. GIS is critical in ensuring local address lists are up-to-date and as a result the information provided to the Census Bureau is as accurate and complete as possible. In the case of federal assistance programs, it is estimated that just a 1% undercount in the 2010 Census would lead to over \$38 million less in Federal Medical Assistance Percentage (FMAP)-based program funds to the state of Iowa. ISAC supports the establishment of a state-funded grant program or annual state allocation to local jurisdictions for GIS programs undertaking address maintenance efforts.

## **Iowa Public Employees' Retirement System (IPERS)**

ISAC supports a sustainable, cost-efficient retirement plan for county employees that serves to attract and retain high quality employees and provides them with a stable and secure income in retirement. The Iowa Public Employees' Retirement System (IPERS) provides such a plan to county employees and retirees. Any legislative change to IPERS should come only following thoughtful deliberation and engagement with ISAC as well as county employers and employees. ISAC opposes any dramatic changes to the contribution or benefit structure that would affect past, present, or future county employees.

## **Maintaining County Elected Officials**

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

## **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.

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

Some counties and cities have the capacity to complete public improvement projects in-house that cost over the threshold amount for competitive bids or quotations. Iowa Code requires that for vertical infrastructure projects over \$100,000 a county must obtain competitive quotes, and county projects must be put out for public bid if a horizontal project is over \$87,000 or a vertical project is over \$135,000. If a county intends to complete a public improvement project in-house, the public bidding and quotation processes waste the time and resources of both the county and any private companies that submit a bid or quotation on the project. ISAC supports adding an exemption from the public bidding and quotation requirements of Iowa Code §§26.3 and 26.14 for local governments that have projects over the applicable threshold amounts that will be completed by in-house staff, in order to eliminate this inefficient use of local tax resources.

# Policy Statements . County Administration and Organization

## **Public Sector Collective Bargaining**

ISAC supports a Public Employment Relations Act that provides for a balance of management decision making and fairness to both the employees and taxpayers. ISAC would support a careful review and study of the current law and an open process to make any necessary revisions.

## **Registration/Title/Lien Release Across County Lines**

Renewal of registration for off-road vehicles and snowmobiles can only be executed in the county of origin, causing undue hardship on the owner if they are traveling for recreation and discover the registration is out of date and they must go back to their home county to renew. Similarly, a lien on the vehicles can only be released in the county in which it is registered so in the case of a sale the registration by the new owner is often delayed while the paperwork is sent back to the seller's county recorder. Lastly, different types of off-road vehicles and snowmobiles require different documents in order to be transferred causing inconsistencies and confusion. ISAC supports allowing any county recorder to renew the registration for or release the lien on any off-road vehicle or snowmobile in the Recreational Vehicle and Vessel Registration System (RVVRS) regardless of the county of origin, and the development of a consistent set of guidelines and paperwork for the transfer of recreational vehicles regardless of type.

## **Retaining the Compensation Board**

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

## **School Board Representatives on Conference Boards**

Recent economic forces causing more school consolidations have caused the schools, as one of three major local levying authorities, to lose their conference board voting authority when the county has only one high school district. The Attorney General has opined that a single high school district would not constitute a voting unit for purposes of the conference board. ISAC supports changes to Iowa Code §441.2 that would allow the appointment of a second school board representative from the same district if there is only one high school district in the county.

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

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

## **Surviving Owner Title Transfer**

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

## **Title to Abandoned Property**

A city may petition the court to enter judgment awarding title for abandoned property to the city and the county treasurer shall cancel the sale of the property and refund the purchase money to the tax sale certificate holder upon receipt of the petition and a verified statement declaring the abandoned property. The abatement of taxes takes place upon the receipt of the petition, but oftentimes the city does not actually take possession of the property and the property tax bill is left unpaid. ISAC supports changing the time of the tax sale certificate cancellation and refund of purchase money and certificate fees to when the deed is transferred rather than upon receipt of the petition and verified statement.

# Policy Statements . County Administration and Organization

## **Townships and Township Trustees**

There have been ongoing discussions of the role that townships and township trustees play in Iowa's governmental system. It is important for local government to be as efficient and streamlined as possible. County officials realize that townships deliver needed services to Iowa's rural citizens, a fact often overlooked by critics. Therefore, any discussion of eliminating township government should include representatives of counties, including auditors, and other units of local government. One solution is to fund an interim committee of legislators, county officials, and township officials to study the duties and responsibilities of township officials and to determine if there is a more efficient and uniform method to accomplish the same tasks.

## **User Fees**

There are a number of services that counties provide to the public that are subsidized by property taxes because the fees charged to the customers are not adequate to pay for the service. Many fees have not been adjusted in many years, and the increased expenses are funded by the property taxpayer. ISAC supports modernizing fees to cover the cost of providing the service in order to reduce the burden on property taxpayers. In the case of state services provided by the county, ISAC supports modernizing fees or adjusting the amount retained by the county or a combination of both.

## **Vehicle Registration Fee Refunds**

If a vehicle owner trades vehicles and is owed a credit for the unused portion of the annual registration fee, the credit is not extended to the new vehicle if it is less than ten dollars. The unused portion of the registration fee rightfully belongs to the vehicle owner and should be credited to the registration fee due for the new vehicle regardless of the dollar amount. ISAC supports the removal of language disallowing unused registration fees under ten dollars to be credited.

## **Writing Fees**

Iowa Code directs the county recorder to collect a \$1.25 writing fee each for the registration, title, and application of a lien on a vessel. Iowa Code directs the county recorder to collect the same writing fee for the registration of snowmobiles and all-terrain vehicles, but the code is silent on writing fees for titles and application of a lien on these two types of vehicles. This omission and inconsistency in Iowa Code has caused confusion among dealers when they send in the fees, which can result in overpayment or underpayment leading to delays in the registration and/or titling of the vehicle. It also causes the county recorder to do the same work for different fees depending on the vehicle. ISAC supports aligning the fee structure for each privilege by allowing the county recorder to collect \$1.25 for each registration, title, and application of a lien for these vehicles.

# Policy Statements . Environment and Public Health

## **Bottle Bill Expansion**

Iowa's Beverage Containers Deposit Law (Bottle Bill) has reduced the litter removal costs to highway and park departments, resulting in tax savings to the citizens of Iowa. This highly successful law was passed in 1979 and changes in packaging of beverages over the years have left many types of beverages uncovered by the deposit law. Easy access to recyclers is essential for this success to continue in rural areas. Of the \$0.05 deposit, redemption centers collect a \$0.01 handling fee for each recyclable container. The \$0.01 fee can no longer cover operating costs, including labor, energy, and increasing costs in materials. ISAC supports the expansion of the Bottle Bill to include all beverage containers, to require acceptance of empties by retail outlets, and to increase the deposit or handling fees. Any increase in handling fees should be used to support and encourage the establishment of bottle and can recycling centers. ISAC further supports a working group of interested parties be convened to examine the long-term viability of the Bottle Bill.

## **Casino Smoking Ban**

The Iowa Smoke Free Air Act states that "environmental tobacco causes and exacerbates disease in nonsmoking adults and children sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect public health and the health of the employees." Despite this statement, the Smoke Free Air Act specifically exempts restrictions being placed on smoking in casinos. ISAC supports amending the Iowa Smoke Free Air Act to eliminate the casino exemption and allow casino employees the same workplace protections as all other Iowans.

## **County Infractions**

County zoning violations are handled through the courts under Iowa Code §331.307(9). This section allows counties to "abate or correct the violation" and the court 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." If the offending party does not pay for the cost of cleanup or does not pay to relieve the lien from the property, there is no way to force a timely payment of the debt owed to the county. ISAC supports amending Iowa Code §331.307(9) to mirror Iowa Code §331.384 that relates to public health and safety hazards to allow a county to correct a county zoning violation and assess the costs against the property for collection in the same manner as a property tax.

## **Energy Resources**

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

## **Indemnity Fund**

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

## **Local Public Health Funding**

The Local Public Health Services Grant (LPHSG) funding provides gap-filling services to low-income, elderly or other Iowans with special needs to prevent unnecessary nursing home and hospital admissions, supports communicable disease follow up and investigation, provides basic infrastructure support for local boards of health, and provides other essential services to protect the health of Iowans. The Legislature has given broad authority, responsibility and expectations to local boards of health, but the funds to support these activities have been declining. Funding for LPHSG has been reduced from \$10.6 million in FY 2007 to less than \$8.5 million in FY 2017, a 20.5% decrease. Local boards of health are faced with asking for more support from local property tax dollars, a choice that is less attractive and feasible in the face of property tax reform, or by reducing services, which puts more Iowans at risk of unnecessary and costlier institutionalization. In order to maintain a public health system that is proactive in preventing disease, promoting health, and responding to prioritized needs identified by local communities, ISAC supports restoring LPHSG funding to \$12.62 million in FY 2018, which represents the FY 2007 level adjusted for a 2% cost of living increase per year.

# Policy Statements . Environment and Public Health

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

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

## **Nicotine**

ISAC supports efforts to reduce the initiation and decrease the use of tobacco products in all its forms, including electronic cigarettes and vapor products, to address the long-term health costs created by the use of these products. Strategies include increasing and equalizing taxes on all nicotine products, and prohibiting the sale to, possession by, and use of all nicotine products by minors.

## **Radon**

Radon is a radioactive gas that is invisible, odorless, and tasteless. It is found in soil and rock that comes from the breakdown of uranium. Every county in Iowa is in the zone with the highest potential radon levels and Iowa leads the nation with over 70% of homes above the recommended action level. Radon is the second leading cause of lung cancer in the United States and the leading cause of lung cancer in non-smokers. Simple, inexpensive venting techniques used during construction of a new home can safely remove the radon gas and help with other indoor air quality issues (mold, mildew, etc.). ISAC supports Radon Resistant New Construction in all newly built homes as well as a time-of-transfer radon test in all homes.

## **Raw Milk**

Raw milk accounts for approximately 1% to 3% of all milk sales in the United States, while it is responsible for 97%-99% of all milk-related outbreaks of food-borne illness. From 2005-2014, there were 84 outbreaks due to raw milk consumption reported to the Centers for Disease Control (CDC). These outbreaks made 1,185 people ill and hospitalized more than 60, including seven children who suffered kidney failure. The cost of an outbreak can include medical bills as high as \$1 million and public health staff can spend more than 250 hours (average) investigating an illness outbreak related to raw milk. Also, according to CDC, outbreaks related to raw milk occur 150 times more often than outbreaks associated with pasteurized milk. Pasteurization is the process of heating raw milk to 161° F for 20 seconds to kill any disease-causing bacteria that may be present to prevent illness, especially in children. The Legislature should continue to firmly support pasteurization of milk to protect the health of our citizens.

## **Unsewered Community Revolving Loan Fund**

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

# Policy Statements . Human Services

## **Advance Psychiatric Directives**

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

## **Rule 2.2 Commitments**

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

## **Substance Abuse Treatment**

ISAC supports the appropriation of sufficient state funds to counties if required by the state to make services available for evaluation, medical and social detoxification, and prescribed outpatient, residential or inpatient treatment, including for Iowans in need of substance abuse treatment, whether voluntary or involuntary.

## **Definition of Veteran for State Benefits**

While the United States Department of Veterans Affairs recognizes the service of commissioned officers of the Public Health Service, Environmental Science Services Administration, National Oceanic and Atmospheric Administration, and Coast and Geodetic Survey Administration, they are not considered veterans under Iowa Code and do not receive the same benefits as veterans of the Army, Navy, Marines, Air Force, and Coast Guard. ISAC supports amending the definition of “veteran” in Iowa Code Chapter 35 to include commissioned officers of the Public Health Service, Environmental Science Services Administration, National Oceanic and Atmospheric Administration, and Coast and Geodetic Survey Administration.

# Policy Statements . Land Use and Rural Affairs

## **Agricultural Building Value**

The value generated by agricultural buildings is automatically subtracted from the value generated for agricultural land by the productivity formula. The result is that the construction of any new agricultural building adds zero net value to Iowa's property tax base. This situation serves as a disincentive to agricultural economic development for county governments because large-scale livestock operations impose significant additional costs on counties, such as road maintenance, without expanding the tax base to help pay for those costs. ISAC supports legislation that values agricultural buildings at their replacement cost new less depreciation and then adjusted by the appropriate agricultural factor with the value being in addition to the valuation determined for agricultural land.

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

The exemption for farmhouses and buildings from county building codes and zoning regulations needs to be clarified. Legislative amendments (1963) and an opinion from the Attorney General's Office (#97-1-1) have made it virtually impossible for counties to apply objective standards in uniformly and consistently administering the exemption. Because of the changing nature of agriculture, this state-mandated exemption will only become more difficult for counties to administer. When counties adopt building and zoning regulations, the public health, safety, and welfare benefits of those regulations should be applied to all households regardless of the owner's occupation. The exemption also prevents a county from enforcing setback requirements on farm buildings. Buildings too close to the road have a significant impact on drifting snow, road maintenance, and traffic safety. ISAC supports legislation that eliminates the farmhouse building exemption and the farm buildings setback exemption.

## **Cell Tower Siting**

Counties must comply with federal due process limitations and other federal agency regulations relating to cell tower siting. State level legislation adopted in 2015 (HF 655) circumvents local control in several ways and threatens the authority of county zoning ordinances and local decision making. ISAC supports the statutory repeal of these changes that are set to occur on July 1, 2020. Furthermore, ISAC opposes additional legislation that does any of the following:

- significantly changes, to the detriment of local control, industry or process terms already established or under consideration by the Federal Communications Commission (FCC) or another federal agency;
- further limits the authority of local governments and decision-making bodies when considering an application for wireless infrastructure siting. This includes limiting what can be considered, what information and documentation can be requested, and the grounds for approval or denial;
- puts in place a more stringent or burdensome timetable and deadline than the FCC "shot clock" declaratory order for consideration and action on an application or the timelines set forth in HF 655; or
- circumvents local control over policy or land use decisions or supersedes local zoning ordinances.

## **Conservation Lands**

Iowa is ranked near-bottom among the states in the percentage of public land available to its citizens. The lack of public lands reduces outdoor recreation opportunities, water quality, and protection of natural resources, all of which are of great importance to Iowans' health and quality of life. Equally important are the jobs associated with our public lands – jobs that are labor-intensive and vital to rural Iowa communities, including tourism, rural energy development and watershed management. In addition, when people travel to recreate on public lands, they spend money in neighboring towns, which are generally rural communities that depend on this income. ISAC supports the retention and acquisition of public lands in Iowa.

## **Chronic Wasting Disease**

Confined animals are more susceptible to transmitting disease due to their close contact and from being moved from site-to-site. Chronic Wasting Disease (CWD) has been found in several captive deer herds and in the wild population in Iowa. ISAC supports regulations or prohibitions on private deer herds which would reduce the threat of CWD to the wild deer population.

## **Drainage District Ditches**

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

# Policy Statements . Land Use and Rural Affairs

## **Forest Reserve Property Tax Exemption**

ISAC understands the value of the wildlife habitat, water quality, soil preservation, and outdoor recreation provided by property tax exemption for forest reserve land but recognizes there are abuses and misuses of the program and enrolled land still receives public services such as road maintenance and emergency services. ISAC supports exploring a partial rollback of the exemption or a payment-in-lieu-of-taxes, consideration of moving the minimum acres for qualification from two to five acres, and increased tools for enforcement of program rules.

## **Flood and Erosion Control Levy**

A county board of supervisors may levy a tax not to exceed six and three-fourths cents per thousand of assessed value to be used for certain flood and erosion control activities. At the time the authority was granted, Soil and Water Conservation Districts consisted only of agricultural land and the levy was limited to agricultural land. With the districts now consisting of all land within a county, the levying authority should be updated to reflect the change and allow the levy to apply to all real property. ISAC supports changes to Iowa Code §161E.9 that would allow a tax to be levied for flood and erosion control on all real property.

## **Flood Plain Management Policy**

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

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

## **Funding of the Iowa Department of Natural Resources**

Iowa counties rely heavily on many important programs administered through the Iowa Department of Natural Resources (DNR), the Iowa Department of Agriculture and Land Stewardship (IDALS), and other state conservation agencies. In recent years, drastic cuts to the DNR have led to decreases in staff and are impacting services such as: administration of grant programs that directly and indirectly affect counties; some shared staffing projects with counties; partnership projects with conservation boards for land management; AmeriCorps volunteer services projects; and more. In addition, maintenance and upgrades of state parks and facilities is in jeopardy. These important attractions contribute to economic activity in many counties, and in some rural counties may be a major economic driver. Per capita state spending on parks and conservation programs now is at or near the bottom in the nation. ISAC supports state efforts to maintain or increase funding to the Iowa DNR and against the diversion of current program funding such as from REAP for other DNR services.

# Policy Statements . Land Use and Rural Affairs

## **Grants to Counties Program**

The Iowa Department of Public Health's (IDPH) Grants to Counties (GTC) program, under the boards of health, was created in 1987 with support from the agriculture community to provide funds to county environmental health agencies to test and rehabilitate wells and to plug abandoned wells at a significant rate in order to protect groundwater resources. Abandoned wells are still prominent across Iowa and present a serious threat to groundwater quality. The funds for the program come from a tax on all pesticides (commercial, ag, and residential) and amount to approximately \$1.7 million annually. Because all of the participating counties are not able to use the entire share of the funds, the unused amount is returned to the fund and divided equally among the participating counties the next year. The Legislature should continue to provide authority to IDPH to reallocate unused funds to counties needing additional funds for GTC.

## **Invasive Species**

Iowa's native flora and fauna are under attack by invasive plants, animals, and insects. Non-native species threaten Iowa's ecosystems and have the potential to seriously impact Iowa's biologic diversity and economy. These threats have been increasing in recent decades, and the number of species of great concern has been growing. State government should support the planting and protection of native species and strongly discourage non-native species. The Legislature should provide adequate funding for programs that monitor, regulate, and control invasive species in our lands and waters.

## **Lake Restoration**

The Lake Restoration Program was designed to improve water quality in many of Iowa's public waters. The program was based on a long-term ranking system that provides adequate funding over multiple years to address Iowa's most popular lakes. Current funding for the state's Lake and River Restoration Programs is in jeopardy of being significantly reduced or eliminated. One hundred and twenty-seven of Iowa's principal public lakes were ranked for lake restoration suitability based upon a number of socio-economic, water quality and watershed factors. The ranking process resulted in a priority list of 35 lakes. In order to address the issues identified in these watersheds and to be able to adequately plan for these multi-year, multi-jurisdictional, and multi-funding source projects, the Lake Restoration Program needs stable funding of approximately \$8.6 million per year for at least a 10-year period.

## **Land Banks**

ISAC supports enabling legislation to authorize the creation of municipal land bank entities. Land banks have proven effective in other states in decreasing the number of blighted and abandoned properties in the region, increasing the access to affordable housing, increasing access to buildings and land to redevelop, increasing tax revenues, and turning community liabilities into assets. Enabling legislation should create a framework to provide the entity with the special powers necessary to have an impact in Iowa and to provide a basis for city and county powers, taxation of properties, and tax sales.

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

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

## **Master Matrix Updates**

It has become apparent that there are some lands that are not adequately protected by current setback requirements for confinement feeding operations. Some loopholes allow these operations to bypass intended setback distances from homes and public use areas. In addition, the current scoring structure allows developers of confinement feeding operations to skip certain components of the master matrix that may be important to adjacent property owners, other citizens, or the county board of supervisors if they have sufficient points in other areas. ISAC supports a careful review and study of the master matrix and an open process to make any necessary revisions. The Legislature should address deficiencies in the master matrix. At minimum, legislation should:

- direct the Department of Natural Resources (DNR) to review the master matrix program with input from ISAC and the Iowa State Association of County Supervisors, among other stakeholders, to determine if separation distances are adequate to protect human health, the environment, property values, and community quality of life;
- afford county- and city-owned wetlands the same special setback protections as state and federally-owned "designated wetlands," as found in Iowa Code §459.102(22);
- designate waterfowl production areas, whether managed by DNR or not, as "public use areas" for applying setbacks;

# Policy Statements . Land Use and Rural Affairs

- amend Iowa Code §459.205(1) so that it reads as follows: “A confinement feeding operation structure, if the structure is part of a confinement feeding operation that qualifies as a small animal feeding operation. However, this subsection shall not apply to the following: a) If the confinement feeding operation structure is an unformed manure storage structure; b) If the small animal feeding operation is no longer a small animal feeding operation due to common ownership or management of an adjacent confinement feeding operation as provided in Iowa Code §459.201;” and
- allow the county to adopt a local ordinance to require a minimum number of points in designated areas of the master matrix deemed important to the county in addition to the minimum overall score.

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

## **Rivers Program**

The Rivers Programs at the Iowa Department of Natural Resources is involved with not only recreation, but preservation, conservation, restoration, low head dam modification and stream bank stabilization. Two priorities of the program include water trail development and dam mitigation. Iowa is blessed with a variety of rivers, creeks, and lakes offering a number of different types of experiences for beginner to expert paddler. As communities continue to develop and promote water recreation on Iowa's 18,000 miles of navigable streams it is extremely important to fund the Rivers Program. ISAC applauds the important work of the DNR Rivers Program and strongly supports funding the program to provide Iowa communities the tools to encourage safe and responsible use of Iowa's river resources.

## **Rural Development**

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

### *Renewable Energy Development*

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

### *Health Care*

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

### *Housing*

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

### *Water and Wastewater Programs*

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

# Policy Statements . Land Use and Rural Affairs

## *Broadband Internet Access for Rural Iowans*

High-speed broadband internet service is not readily available in many parts of rural Iowa. Broadband access is required to grow existing and to attract new business and industry. It would also give schools, community colleges and libraries better access to information and provide better communications. In addition, while e-government and e-commerce are gaining momentum, the infrastructure required to sustain their momentum is severely lacking. Iowa must invest in the infrastructure necessary to achieve the goal of 99.95% accessibility to broadband in all areas of the state, giving rural counties and their citizens access to the Internet at the same level as more densely populated areas. Broadband expansion must be achieved without inhibiting local control of decision making and zoning ordinances. In addition to the 10-year property tax exemption for new infrastructure constructed between July 1, 2015, and July 1, 2020, the state should appropriate dollars to the Connecting Iowa Farms, Schools, and Communities Broadband Grant Program established in 2015 to incentivize broadband expansion in the unserved and underserved areas of the state.

The Program is authorized in Iowa Code to receive \$20 million annually, plus revenues from sale of Natural Resource license plates. However, the program has never been fully funded, and was decreased 25% last year to \$12 million. ISAC supports full funding of Iowa's REAP Program and maintaining the distribution formula that has worked well since enactment in 1989.

## **Waters of the U.S.**

The federal Clean Water Act (CWA) controls and regulates discharges of pollutants into waters of the United States. Specifically, CWA prohibits the discharge of any pollutant from a point source into navigable waters unless a permit is obtained. ISAC opposes legislation and administrative rules that would broaden the scope of the waters subject to regulation by CWA. Defining man-made or man-altered ditches, such as drainage or roadside ditches and flood channels, as tributaries subject to CWA regulation would have a significantly detrimental impact on county governments, drainage districts, and the agriculture industry in Iowa.

## **Watershed Management Authorities**

In 2010, Iowa lawmakers passed legislation authorizing the creation of Watershed Management Authorities. A Watershed Management Authority (WMA) is a mechanism for cities, counties, Soil and Water Conservation Districts (SWCDs) and stakeholders to cooperatively engage in watershed planning and management. The WMA is formed by a Chapter 28E Agreement by two or more eligible political subdivisions within a specific eight-digit hydrologic unit code watershed. A board of directors governs the WMA, which may undertake the following activities:

- Assess and reduce flood risk;
- Assess and improve water quality;
- Monitor federal flood risk planning and activities;
- Educate residents of the watershed regarding flood risks and water quality; and
- Allocate moneys made available to the Authority for purposes of water quality and flood mitigation.
- While the driving motivation for WMA formation may be water quality improvement and/or flood risk reduction, there are multiple benefits to cooperating with other jurisdictions within a watershed:
  - Conduct planning on a watershed scale, which has greater benefits for water quality improvement and flood risk reduction
  - Foster multi-jurisdictional partnership and cooperation
  - Leveraging resources such as funding, technical expertise
  - Facilitate stakeholder involvement in watershed management
  - ISAC supports this broad-based and multi-jurisdictional approach to watershed management in Iowa and supports funding watershed management authorities.

# Policy Statements . Public Safety

## **911 and Interoperability**

ISAC supports a study by the Iowa Statewide Interoperability Communication Systems (ISICS) board, in conjunction with various public safety and fire associations, to address needed policy changes and communication/technology updates to solve this problem. ISAC also supports additional 911 grant monies for rural agencies that need resources to access updated communication systems.

## **County Jails**

### *Capacity*

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

### *Jail Diversion*

ISAC supports programs such as the Stepping Up initiative that examine treatment and service capacity to determine which programs and services are available in the county for people with mental illnesses and co-occurring substance use disorders and identify state and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community.

### *Privatization*

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

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

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

### *Sentencing Options*

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

## **Court System Access**

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

## **Courthouse and County Administrative Building Security**

Recent potential major incidents in courthouse security and the requirement in some courts that there be an armed officer present during proceedings, there is an increased need for courthouse and county building security. With many counties already struggling financially, counties are facing difficult decisions in placing investments in public safety. ISAC supports adding language at the end of Iowa Code §602.1302 to include that the judicial branch "shall reimburse counties with the expenses associated with Iowa Code §602.1303(4)" which states "a county shall provide the district court with bailiff and other law enforcement services upon the request of a judicial officer of the district court." ISAC also supports that state block grant funding be made available to counties that are interested in providing additional security measures such as cameras and metal detection devices.

# Policy Statements . Public Safety

## **Emergency Preparedness Supply Weekend**

As many Iowa homes are ill prepared for a disaster and self-preparedness is a key objective to building resilient communities across Iowa, ISAC supports the establishment of a “sales tax holiday” in conjunction with National Preparedness Month. This could be used to offset the expenses for purchases of emergency preparedness supplies such as generators, fuel storage containers, bottled water, first aid kits, flashlights/batteries, etc.

## **Emergency Medical Services (EMS)**

ISAC supports legislation intended to provide better coverage and adequate funding of emergency medical services in the unincorporated areas. ISAC supports authorization for an ad valorem property tax like the township property tax for fire services. EMS should be considered an essential service and a dedicated funding mechanism should be authorized. In addition, with the aging of the rural population, fewer younger men and women are available to staff volunteer emergency services. Local, state and federal governments must strive to provide training and incentives for assorted emergency and public safety personnel in under-served rural areas.

## **First Responders Safety Act**

During some emergencies and disasters, mandatory evacuations are required to protect lives. Gas and electrical utilities pose a threat to those who refuse to evacuate and to emergency and recovery personnel who are responding. As a result, ISAC supports legislation that would require utilities to temporarily stop service within mandatory evacuation zones. In addition, ISAC supports a requirement to the Iowa Utilities Board to annually provide a current, searchable mapping system that is either Internet-based or provided in hard copy to all local 911 centers, state homeland security and emergency management, and to local emergency management commissions that will identify what utility company provides electrical and/or natural gas services to a structure by address.

## **ICN Access for Emergency Management**

Iowa counties have been unable to access the Iowa Communications Network (ICN) because they are not included in the definition of a “public agency” for purposes of ICN use in Iowa Code §8D.2(5)(a). This prevents counties from accessing and using the fiber optics network despite its presence in all 99 counties and in many courthouses for use by the clerks of court. ISAC supports including counties in the definition of public agency and allowing access to the ICN in an effort to expand communication capabilities and options within and among counties, while reducing costs to the taxpayers. In the absence of full access, ISAC encourages the allowance of limited access by local emergency management agencies to provide for greater interoperability among local, state, and federal emergency management and public safety agencies.

## **IPERS Status for Emergency Management Personnel**

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

## **Justice Assistance Grants**

ISAC supports continued federal funding of JAG Grants, which support many local drug enforcement task forces and replace the need for state funds.

## **Juveniles and Law Enforcement**

State funding limitations and caps on out-of-home placements of juveniles, children in need of assistance, and juvenile delinquents have resulted in the denial of timely placement and necessary treatment and remedial programming for children. This, in turn, has resulted in increased costs to counties for detention placements and increased risk of harm to children and public safety officials. Iowa needs more capacity in the child welfare system in order to provide the immediate, meaningful consequences that help fight juvenile crime. The Legislature needs to increase the number of residential placements available for youthful offenders. Youths are housed in county juvenile detention facilities for months, at a cost that may exceed \$165 per day plus medical costs, waiting for group home placements. Juvenile justice is a continuum, with programming including community prevention programs, school-based programs, adult court, and the state training schools. The Iowa Legislature must increase support for these programs to keep pace with the increases in juvenile crime and support the child welfare system so appropriate alternatives are available for children in need of assistance.

# Policy Statements . Public Safety

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

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

### *Prisons*

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

### *Community Corrections*

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

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

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

## **Sheriff as an Elective Office**

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

## **State Funding for Emergency Management and Homeland Security**

While the state of Iowa places many requirements upon local emergency management, it pays nothing toward the preparedness planning, training and exercise drilling at the county level. These duties performed by county emergency management coordinators help to protect the state welfare and economy. In addition to local funding options, there needs to be a state appropriation to county emergency management agencies in order to help meet the present-day challenges of preparedness. Assistance is needed to cover the cost of all hazards planning, training, exercising, equipment, and personnel, all of which are similar to the limited federal emergency management performance grant program. Requirements for receiving state funds should not exceed current requirements set forth in both Iowa Code and Iowa Administrative Code. In addition, Iowa has many homeland security vulnerabilities that require coordination among the local emergency response community, elected officials, public safety officers, state agencies, federal agencies, public health, and private industry. Local first responders should be a primary resource for the development of homeland security planning and funding priorities. Sustainable homeland security funding should be utilized to build specific capabilities, protect responders, reduce vulnerabilities, and to ensure that Iowans receive the highest level of protection possible. ISAC supports legislative efforts to foster cooperative planning, specialized training, and coordinated response to acts of terror and natural disasters.

## **State Reimbursement for State Prisoners**

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

# Policy Statements . Public Safety

## **Streamlining the Involuntary Commitment Process**

Transporting and awaiting admittance for individuals being involuntarily committed takes law officers away from other public safety duties in the county. As the involuntary commitment of Iowans for substance abuse and mental illness is increasing, law enforcement, community services, veterans' affairs, courts and hospitals are struggling to manage this growing problem. The need for mental health placements has been a critical issue in Iowa for many years including the need for evaluation and transitional and detoxification beds. Court-ordered release of committed patients without law enforcement notification directly impacts public safety. ISAC supports efforts to bring various stakeholders together to revamp Iowa's commitment law to address these and other issues.

## **Storm Shelters**

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

# Policy Statements . Taxation and Finance

## **Bonding for County Courthouse 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. ISAC supports legislation that bases essential county purpose bond limitation amounts on the principal amount of the bonds issued rather than the cost of the project.

## **Business Property Tax Credit Refiling**

When a portion of a parcel allowed the Business Property Tax Credit (BPTC) is sold, transferred, or ownership otherwise changes, the new owner must apply for the credit for the new parcel and the original owner must re-apply for the credit for the portion remaining in their ownership. This re-application process can be overlooked by the owner and they would lose out on the credit. Similar to the homestead credit and military exemption, the change to the original parcel could be handled administratively without the owner having to re-apply. ISAC supports removing the requirement for the original owner to re-apply for the Business Property Tax Credit for the remainder if a portion of the parcel is sold, transferred, or ownership otherwise changes.

## **Declaration of Value Filing on Limited Liability Company Transfers**

When a property is sold in Iowa the purchase details are required to be made public. Real estate investors often create a limited liability company (LLC) and place the ownership of the property in the name of the LLC. When a sale occurs a disclosure of the real estate sale details is not required because there is no ownership change in the property, only the transfer of the LLC. While the creation of an LLC is beneficial to the owner for limiting liability and exposure, it is problematic in that local governments, the state, and the public are disadvantaged by not having full information about real estate sale prices in the marketplace. Additionally, real estate professionals, appraisers, and lenders do not have a full and accurate picture of the true market value of a property or portfolio of real estate when sale information is not made public. ISAC supports requiring a sale price disclosure statement for a transaction involving an LLC as transferor or transferee that is exempt from payment of a real estate transfer tax. The sale price disclosure statement should reflect the sale price of the real estate without regard to additional consideration stated on the instrument of transfer. The sale price disclosure statement should be recorded with the instrument of transfer.

## **Delinquent Mobile Home Taxes**

The collection of delinquent mobile home taxes is an increasing issue for most counties in the state and there is little interest by private buyers in purchasing the delinquent taxes during a tax sale. The delinquent property then becomes a burden to the other property taxpayers of the county. ISAC supports efforts to increase the likelihood of collecting property taxes due and payable for mobile homes by 1) authorizing the county treasurer to place a hold on vehicle registrations and renewals if the applicant has failed to pay local mobile home taxes until they are paid or a payment plan is established, or 2) making property tax payments the responsibility of the owner of the mobile home park.

## **Essential County Purpose**

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

## **Funding of State Mandates**

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

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

Iowa law allows a state-paid property tax credit of up to \$1,000 for low-income elderly and disabled persons. Because funding reductions to this program greatly impact the people who can least afford to pay taxes while only saving the state of Iowa a relatively small amount of money, this program should be fully funded. In addition to supporting full funding of this tax credit, ISAC also supports increasing the tax credit to \$2,000 for low-income elderly and disabled homeowners.

# Policy Statements . Taxation and Finance

## **Preservation of County Services**

Counties provide necessary services and meet ever-increasing state mandates through property tax revenues. State funding for roads and mental health services falls far short of the needs. Annually, adequate state support for local public health, the Environment First Fund, the Resource Enhancement and Protection (REAP) program, and emergency management are areas of concern for counties. In addition, the courts, local law enforcement, and county jails are enterprises that are funded with both state and local dollars. As the state determines how to manage its funding priorities, the legislature must understand that funding taken from local government will result either in significant cuts in services or in increased property taxes. Property tax credits represent a major issue. When the state reduces funding for property tax credits, but maintains the credit to the taxpayer, counties must raise property taxes to generate the difference. In essence, property taxpayers fund their own credits. Adequate funding for the programs that counties provide is critical. Property tax credits should be fully funded, the commercial and industrial property tax backfill should be maintained, and counties must be given the ability to adjust their levies for mental health and disability services.

## **Property Tax**

Iowa's schools, cities, and counties provide many critical services to local citizens funded in part by property tax revenue. Recent changes to the assessment methodology for certain property will unduly reduce the future revenue of local governments. In order to mitigate the risk of a reduction in services or increase in property taxes among all classes, the legislature should fully fund all property tax credits and the commercial and industrial property rollback replacement claims. ISAC also supports a state 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. 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 a shift of the property tax burden to other classifications of property. 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 local governments are required to provide should be equal to the cost of services.

ISAC supports property tax reform that stabilizes the tax base, resolves unfair discrepancies within the current tax base, improves accountability in the budgeting processes of local governments, and imposes a reasonable limitation on city and county property taxes while maintaining local control for citizens and their elected representatives. There are five steps that the Iowa Legislature could take that would improve the system and address the tax burden of local property owners:

- ISAC supports a phased-in decoupling of agricultural buildings from agricultural land, and the valuation of 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.
- ISAC supports decoupling 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.
- ISAC supports a lower limit on the assessment growth limitation. 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.

## **Tax Increment Financing**

Although ISAC 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. A couple steps can be taken to improve TIF without significantly affecting its use as an economic development tool. ISAC supports limiting 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. ISAC supports reestablishing the base year or advancing 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. ISAC opposes removing specific taxing entities or components from the division of revenue currently authorized by law.

# Policy Statements . Transportation

## **Alternative Funding for County Roads**

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

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

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

## **Eminent Domain**

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

## **Increased Vehicle Weights**

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

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

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

## **Off-Highway Vehicles on County Roads**

County boards of supervisors may allow the use of off-highway vehicles (OHVs) on designated county roads for a specified period under Iowa Code §321I.10. ISAC opposes legislation requiring counties to allow the use of OHVs, including all-terrain vehicles (ATVs) and off-road utility vehicles (ORVs), on secondary roads. These vehicles are not designed for use on roads and improper use could lead to both accidents and considerable damage to county roads. Given the safety concerns and impact these vehicles could have on secondary roads, ISAC supports local control over road use and the ability of boards of supervisors to make a decision regarding the use of OHVs on county roads in their jurisdiction.

# Policy Statements . Transportation

## **Road Embargo Extension**

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

## **Road Maintenance Standards**

Iowa law protects municipalities from liability for winter road maintenance if the municipality has complied with its winter road maintenance policy. ISAC supports providing a similar level of liability protection for pavement maintenance of roadways. In addition, ISAC supports clearly providing that the same protections exist for counties that provide regulatory devices, signs, pavement markings and traffic control devices beyond what is required by law. In these cases of non-mandatory devices or pavement markings, ISAC supports protection from liability if the county conducts an engineering study or warrant investigation for such devices or markings that determines that the device or markings should be removed or no longer maintained and that the removal or cessation of maintenance is in accordance with the county's written policy. ISAC opposes any unfunded mandate requiring traffic control devices such as stop or yield signs at secondary road intersections where the need is not warranted by The Manual of Uniform Traffic Control Devices. In addition, ISAC seeks to clarify that the definition of municipality in Iowa Code §668.10, that provides for government exemptions from liability, includes counties as well as cities.

## **Secondary Roads Funding**

Iowa's roads and bridges are a vital component of the continued growth of the state's economy, and every road jurisdiction has struggled to adequately maintain its portion of the road system. The increase in the per gallon fuel tax and permit fees for oversize and overweight vehicles will help address this problem, but the cost of building and maintaining roads continues to increase. In addition to general inflation, Iowa's road maintenance issues have been exacerbated by harsh winters, floods, and heavy equipment usage. Counties are limited in the amount of general fund dollars that can be transferred to be used for secondary roads and bridges, so they are dependent on state and federal funds for critical infrastructure maintenance and repair. The use of TIME-21 funds is limited to farm-to-market and bridge construction. Due to the past shortfall in road funding, counties have turned to bonding in order to provide critical funding for maintenance of roads and bridges. These bonds are repaid with property tax revenues, contrary to the state's goal of reducing property tax expenditures throughout the state. Additionally, the use of bonds fails to capture funding from the out-of-state vehicles impacting Iowa's roads. While the fuel tax and permit fee increases will help fund future road and bridge repair and maintenance, more can be done to provide ongoing, stabilized funding. ISAC supports the following proposed improvements to the funding of the secondary road system:

- The Transportation Investment Moves the Economy in the 21st Century (TIME-21) law seeks to focus \$225 million on the priorities set by the TIME-21 study. The \$225 million cap to the TIME-21 Fund must be maintained, and increased revenues in excess of this cap should be distributed through the Road Use Tax Fund formula.
- Remove restrictions on the use of TIME-21 and other new road funds and allow counties to use all new road funds for any secondary road purpose.
- Apply the state excise sales tax on dyed fuel sales to bridge and culvert repairs and replacements on the secondary road system.
- Explore the use of surcharges, impact fees, development fees, or licensing fees for large confinement operations, hydraulic fracturing projects, biofuel production facilities, and wind energy conversion farms. Examples include but are not limited to: a per head livestock fee; a per gallon liquid manure fee; a permit fee for large agricultural equipment used on county roads; a minimal per gallon fee for each gallon of biofuel produced; or other use-based fees.





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

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