

# 2022 ISAC Legislative Priorities

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## 2022 ISAC Legislative Objectives

### **Assessment Review Timelines Following a Disaster Declaration**

**PROBLEM:** In years in which federal disaster declarations are issued, the filing deadlines for assessment protests to the Board of Review and the Board's timeline can be extended. However, the dates enumerated in Iowa Code Chapter 441 are inconsistent and there are gaps in time periods when extensions are authorized. Additionally, there is no authorization to extend the time period for informal assessment reviews when there is a federal disaster declaration.

**SOLUTION:** Amend Iowa Code Chapter 441 to change the filing dates for the Board of Review to May 1 through June 5, to authorize the Director of the Department of Revenue to extend the meeting timeline of the Board of Review to July 15, and to change the deadline for informal assessment reviews to May 25 in years that there is a federal disaster declaration.

### **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.

### **Competency and Treatment for Persons in the Justice System (LPC Recommended Top Priority)**

**PROBLEM:** Inmates are confined in county jails when their criminal cases are suspended pending a competency evaluation and treatment (if deemed appropriate) per Iowa Code Chapter 812. Those individuals are frequently mentally ill with exacerbation of severe symptomology. Wait times for inmates in county jails to the Iowa Medical and Classification Center (IMCC) can be three to nine months and at Cherokee Mental Health Institution (MHI) two to four months. The inmate frequently remains untreated and symptomatic behaviors include suicidal and homicidal ideation, assaultive behaviors, delusional thinking, etc.

Those inmates who are found 'not competent and not restorable' have their criminal proceedings dismissed per law. They are typically returned to the community due to limited beds in the two remaining MHIs. It is rare that MHIs or private community providers have security staff for those individuals who, due to their incompetence, continue to have assaultive or dangerous behaviors. There have been four Occupational Safety and Health Administration (OSHA) complaints filed since 2013 resulting in tens of thousands of dollars in fines against the Iowa Department of Human Services (DHS). It is unknown if or how many civil lawsuits have been filed by staff who have been permanently disabled or the total cost to the State of Iowa.

Iowa Law established competency evaluations to be done for certain individuals who have mental health/brain health issues who have been arrested in Iowa Code Chapter 812.

Four problems currently exist:

1. It can take three to nine months to get a person into state programs that provide the evaluations.
2. Iowa law is unclear on who is responsible for payment of the competency stay under Iowa Code §812.3.
3. When persons are determined incompetent to stand trial, they are not always able to access services while incarcerated and instead, their illnesses may continue to exacerbate.
4. Frequently, hospitals are not able to accept placements of individuals with high acuity into their inpatient psychiatric units due to the level of care that they require and the level of care that can be provided in the unit.

**SOLUTION:** Iowa Code §812.3 should be changed to clarify which state agency is responsible for competency evaluations and holds for persons with mental health/brain health issues.

The state should appropriate dollars necessary to expand the number of beds available for competency evaluations so persons do not need to wait, possibly without services or medication, for extended periods of time to get the evaluations done.

The development of a civil forensic unit should be explored at the state's current MHIs for non-violent offenders and at IMCC for offenders who may be considered dangerous. Once an individual is deemed not restorable but still a danger to the community, that person should be placed in the appropriate unit. If at a certain point, that individual is no longer in the custody of the department of corrections, they should be funded by DHS. There needs to be a change in the Iowa Code process in 812 that changes their custody from the Department of Corrections (DOC) to DHS at that point. This is not a 229 issue. Because this originated out of a criminal proceeding, it should not be turned over to 229.

DHS and DOC need to jointly develop a civil forensic unit with input from law enforcement, MH/DS Regions, Judicial Mental Health Advocate, etc. There needs to be a facility where individuals with mental illness can obtain treatment in a secure environment. This will also allow those who have been found 'not competent and not restorable' a multi-tiered program based upon the individual's acuity for a safe reentry to the community.

The Iowa DHS and other state agencies should work with the Iowa Community Services Association and the Iowa State Sheriffs' and Deputies' Association to implement Tertiary Care Hospitals in the state that are geographically dispersed to meet the needs of individuals who need a higher level of care than is currently available in an inpatient unit in Iowa.

### **Conduct of Elections**

**PROBLEM:** The shrinking of the window for absentee voting in person has caused issues administratively. Setting the absentee by mail window back to 40 days before the election will also give the voters time to absentee vote by mail considering postal service delivery times and the new law that absentee ballots shall not be counted if received in the county auditor's office after the polls close. Setting the in-person absentee voting back to 29 days before an election will also alleviate administrative issues by being able to spread the same amount of early voters over more days.

**SOLUTION:** Return the absentee by mail window back to 40 days and allow in person absentee voting at 29 days along with mailing absentee ballots 7 days prior to in-person absentee voting begins.

### **Electronic Public Construction Bidding**

**PROBLEM:** Iowa Code Chapter 26 regulates public construction procedures, and along with requirements for governmental bodies, it outlines the process for bidders to submit and government entities to receive sealed bids. This process has become outdated given the technological capability to submit and receive bids electronically. Allowing electronic bid submittal as an option could provide convenience to both the bidders and the governmental body while maintaining the safety and security already in place.

**SOLUTION:** Amend Iowa Code Chapter 26 and other applicable code sections to allow an electronic submittal process for competitive public construction bids.

### **Elimination of Voter Acknowledgement Card**

**PROBLEM:** Requiring that voters receive both a voter acknowledgement card and a voter PIN card when only one would suffice for voter id purposes is duplicative and is an unneeded expense of taxpayer resources.

**SOLUTION:** Eliminate the requirement of a voter acknowledgement card in Iowa Code.

### **Emergency Preparedness Supply Weekend**

**PROBLEM:** Many Iowa homes, families, and businesses are ill prepared for a disaster and self-preparedness is a key objective for building resilient communities across Iowa.

**SOLUTION:** To mitigate this issue, 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.

### **Iowa's Natural Resources, Outdoor Recreation, and Water Quality and Quantity (LPC Recommended Top Priority)**

**PROBLEM:** There continues to be a need to provide adequate, sustainable, and dedicated state financial resources to address statewide needs related to Iowa's natural resources, outdoor recreation, and water quality. Water quantity management also is needed to minimize or mitigate damage caused by floods. In 2010, Iowans voted to add the Natural Resources and Outdoor

Recreational Trust Fund to the Iowa Constitution to address these and other natural resources and outdoor recreation needs. Unfortunately, the Trust has yet to receive any funding. The Trust Fund is the best-known mechanism to address Iowa's natural resources, outdoor recreation, and water concerns and, in so doing, promotes public health, rural revitalization, economic growth, and quality of life for Iowans. The COVID-19 pandemic caused unprecedented demand for outdoor recreational opportunities throughout Iowa. This renewed interest in the outdoors has confirmed that Iowans value their natural resources. It also demonstrates that Iowans expect more places and improved facilities as they venture out. It will take a dedicated investment to meet public demand and expectations. The Trust makes this investment and provides a legacy for generations to come.

The Resource Enhancement and Protection (REAP) 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 in recent years cuts have been more dramatic, with some funding diverted to state park operations and maintenance. The REAP Program is scheduled to sunset in 2026. This important state program provides diverse funding for Iowa's historical resources, county parks, city parks, public green space, conservation education, roadside vegetation management, and state open spaces.

SOLUTION: ISAC recommends the following:

1. Passage of a state-wide sales tax increase of at least 3/8th of one cent, to fund the Natural Resources and Outdoor Recreation Trust Fund as per the Iowa Constitution. This will also fully fund REAP.
2. Absent the Trust Fund, REAP should be fully funded, with a sunset extended until at least 2031.
3. Funds from the Natural Resources and Outdoor Recreation Trust should be distributed through a formula that maintains the integrity of the constitutional amendment, similar to language found in Iowa Code Chapter 461. This funding formula was developed by the Sustainable Funding Committee, and was the basis upon which Iowans voted to establish the Trust Fund in 2010
4. 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.

#### **Local Emergency Management Payment Funds**

PROBLEM: Current Iowa law states that "expenditures from the local emergency management fund shall be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the emergency management coordinator or chairperson of the commission." This restriction is problematic when the coordinator and chairperson may be unavailable to sign a warrant due to medical procedures, travel, or illness.

SOLUTION: Amend Iowa Code §29C.17(5) to state "Expenditures from the local emergency management fund shall be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the emergency management coordinator, ~~or~~ chairperson of the commission, or, when specified in commission bylaws, other positions that are commission members or commission employees hired in accordance with section 29C.17(7)." This modification allows commission bills to still get paid by individuals designated by the commission.

#### **Mental Health and Disability Services (LPC Recommended Top Priority)**

PROBLEM: With the historic change in how mental health and disability services (MH/DS) are funded in SF 619, there is a need to address a number of issues for counties/regions to ease this transition and to make sure there is a continuity of these essential services for all Iowans.

SOLUTION: As we move through the transition to funding MH/DS services to the State of Iowa, ISAC supports that the following issues be addressed either through legislation or administrative rule:

1. ISAC supports that all remaining carry-forward balances at the end of this fiscal year, remain in the region of origin to be used either directly for services in those counties or returned to the taxpayers in those counties.
2. With the carry-forward balance restrictions being reduced to 5% after FY 2023 in SF 619, ISAC supports that it be increased to 25% to maintain timely payment to providers should the State of Iowa fall behind on its quarterly payments to the MH/DS regions.
3. Legislation might be required to clarify and ease the payroll payment process between county and regional employees in this transition process.

#### **Nonresident Driver's License Issuance/Renewal**

PROBLEM: Under current law, an individual can receive an initial issuance or renewal of a driver's license or nonoperator's identification card in any county. Some counties see a large number of out-of-county individuals receiving these services in their county. This is especially true in smaller population counties neighboring larger population counties, because of shorter wait times

and logistics. Because the fees retained by the county does not cover the cost of providing this state service at the local level, property taxes subsidize it. In some counties, out-of-county residents constitute a large portion, or even a majority, of the customers for this service and the home county property taxpayers are subsidizing it.

SOLUTION: Amend Iowa Code §321M to authorize a county to charge a convenience fee of \$10 for the issuance of an initial or renewal driver's license or nonoperator's identification card for individuals that are neither a resident nor property taxpayer in the county of issuance.

#### **Non-transferable Vehicle Registration**

PROBLEM: Under current law, an owner of a foreign vehicle that does not possess the foreign certificate of title must obtain an Iowa title prior to transfer of ownership unless the transfer is to a licensed dealer, in which case the requirement is waived. In the case of a totaled vehicle, the insurance company must require the owner to get an Iowa title in their name before obtaining a salvage title.

SOLUTION: Amend Iowa Code §321 to waive the requirement for an owner to obtain an Iowa title for a foreign vehicle without a foreign title in the case of an insurance company taking possession.

#### **Open Meetings (LPC Recommended Top Priority)**

PROBLEM: The state open meetings law allows a government body to conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical. The term impractical is open to interpretation and has produced differing legal opinions given various circumstances. Under the Governor's Declaration of Disaster Emergency proclamation for the COVID-19 pandemic, governmental bodies were authorized to hold meetings by electronic means, so long as proper notice and access were provided to the public. Many counties became reliant on meeting via electronic means, and in fact, experienced an increase in public access and participation. With the expiration of the authorization, governmental bodies are again subject to the "impossible or impractical" threshold and cannot regularly convene via electronic means despite the use of technology not contemplated by current law that often allows more access and transparency than fully in-person meetings.

SOLUTION: Amend Iowa Code §21.8(1) by striking "only in circumstances where such a meeting in person is impossible or impractical". This authorizes a governmental body to conduct business by electronic means regularly or on occasion, at its discretion, so long as all other open meetings requirements are met.

#### **Property Tax Sale Postponement or Cancellation**

PROBLEM: Under current law, the annual property tax sale for delinquent taxes is set for the third Monday in June and allowed to be moved to a different date in June if for good cause it cannot be held. Previous natural disasters and the COVID-19 pandemic proved that a later date in June is not always possible.

SOLUTION: Amend Iowa Code §446 to allow the county treasurer to postpone the tax sale on a monthly basis or cancel the sale and offer the parcels at the next annual tax sale if taxes remain delinquent.

#### **Public Intoxication from Substances other than Alcohol**

PROBLEM: Law enforcement has no criminal code section to address high levels of intoxication from drugs that do not simulate alcohol intoxication. In particular, persons intoxicated by methamphetamines often engage in erratic behavior and they often pose a threat to themselves and others. Because the effects of methamphetamine do not mimic alcohol intoxication, the Iowa Code's prohibition of simulated intoxication at Iowa Code §123.46(3) does not reach this problem.

SOLUTION: Add language to the Iowa Code §123.46 to clarify that intoxication includes intoxication from any mind-altering substances.

#### **Public Safety Answering Point (PSAP) Reports**

PROBLEM: The process for collecting and reporting data on the cost of operating a public safety answering point (PSAP) is lengthy and complex. The annual report is intended to capture the cost to operate a PSAP and all funding sources. This can be done in a simpler, more efficient manner to save staff time and taxpayer dollars.

SOLUTION: The legislature should take action to simplify the annual reporting requirements while maintaining the usefulness of the information submitted to the state, explore the process for random audits of the reports, allow the use of 911 surcharge funds to pay for the completion of the report, and consider staff time to complete the report when evaluating its usefulness.

**Veteran Service Officer Education/Training Fund**

PROBLEM: Counties are required to employ a nationally accredited county veteran service officer (VSO), which requires not only initial training and testing, but continuing education requirements to maintain the accreditation. The annual appropriation to each county commission of veteran affairs for services for veterans may not be sufficient to cover national training needed to maintain accreditation or the commission may choose other priorities for those funds.

SOLUTION: Increase the annual appropriation to the county commissions of veteran services by \$3,000 per county to be used specifically for national training and related expenses for VSOs and appropriate staff.

**Zoning Commission/Board of Adjustment Membership**

PROBLEM: Legislation enacted in 2020 limited membership on county zoning commissions and boards of adjustment to individuals living in the area regulated by the county zoning ordinance. This has led to difficulty in finding replacements and filling vacancies on these important, citizen-driven boards and commissions.

SOLUTION: The legislature should revert back to previous law requiring a majority of the members of the zoning commission and board of adjustment reside in the unincorporated area of the county, or absent that reversion, should allow for the appointment of a member residing within the county but not in the area regulated by the zoning ordinance if the board of supervisors has made a good faith effort to appoint a qualified person for a period of three months but has been unable to make a compliant appointment. Individuals owning property in but not residing in the area regulated by a zoning ordinance should be eligible to serve on the zoning commission or board of adjustment.