

# 2022

# IOWA STATE ASSOCIATION OF COUNTIES

## TOP LEGISLATIVE PRIORITIES



### Iowa's Natural Resources, Outdoor Recreation, and Water Quality and Quantity

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 Recreation 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.

### Open Meetings

**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.

**ISAC members  
are elected and  
appointed county  
officials from all 99  
counties.**

ISAC promotes effective and responsible county government for the people of Iowa as the principal, authoritative source of representation, information and services for and about county government in Iowa.

### ISAC Government Relations Team

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

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



5500 Westown Parkway  
Suite 190  
West Des Moines, IA 50266  
515.244.7181

[WWW.IOWACOUNTIES.ORG](http://WWW.IOWACOUNTIES.ORG)

## Competency and Treatment for Persons in the Justice System

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

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 (DOC), they should be funded by DHS. There needs to be a change in the Iowa Code process in 812 that changes their custody from 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.

## Mental Health and Disability Services

**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.