

★ 2023 LEGISLATIVE RECOMMENDATIONS ★

LEGISLATIVE STATEMENTS

Home Rule

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

Counties home rule. Article III, Sec. 39A.: Counties or joint county/ municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly...

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

Iowa Code 331.301: A county may, except as expressly limited by the Constitution of the State of Iowa, and if not Inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience to its residents.

State Mandates

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

Funding of Local Services

The Iowa State Association of County Supervisors believes county governments provide high-quality, vital services that the residents of Iowa rely on and desire. Counties utilize a combination of property taxes, local option sales taxes, fees for service, intergovernmental transfers, and other sources of revenue to fund these services. The Iowa Legislature should prioritize modernizing fees for service counties are authorized to collect and consider other means by which local revenue can be generated in order to maintain local services.

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2023 LEGISLATIVE OBJECTIVES



Emergency Medical Services

PROBLEM: The authority to declare emergency medical services (EMS) an essential county service and seek voter approval for a dedicated ad valorem property tax is a positive step to ensure proper coverage areas and predictable funding. However, EMS coverage areas do not always conform to county geographic lines, and this will lead to inequities in who pays for the available service and a lack of service area coordination. The current funding authority could also be improved to accommodate changing needs as a county or regional EMS system is implemented and administered.

SOLUTION: Amend Iowa Code to allow two or more counties to form an EMS coverage area with the same levy rate for all property owners within the district, while maintaining the same requirements as individual counties for voter approval, advisory council responsibilities, and reporting. Further, the legislature should authorize the EMS governance board to set the annual levy rate, after initial voter approval, at a level sufficient to cover the anticipated costs.

Eminent Domain

PROBLEM: Multiple hazardous material, underground pipelines are being proposed for construction in Iowa and the use of eminent domain to secure land rights will continue to be contemplated. Aside from submitting concerns to the Iowa Utilities Board (IUB), landowners and county supervisors have little local control in ensuring property rights. The proposed pipelines are not a public utility, and arguably do not provide a public use or public purpose that would trigger the eminent domain authority.

SOLUTION: Amend Iowa Code Chapter 479B to prohibit the use of eminent domain by a carbon sequestration or other hazardous material pipeline company that is not a public utility and that is not serving a public use and/or purpose.

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 remains a need to make sure there are safeguards in place to allow for the 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, ISACS supports the state addressing the following issues either through legislation or administrative rule:

1. With the carry-forward balance restrictions being reduced to 5% after FY 2023 in SF 619, ISACS supports that it be increased to at least 10% to maintain timely payment to providers should the state of Iowa fall behind in their quarterly payments to regions.
2. Governance board membership should be maintained as is or be equal in ratio to the number of supervisor/non-supervisor members to continue to see that there is local accountability in the delivery of these services.

Juvenile Detention

PROBLEM: In 1974, the federal Office of Juvenile Justice and Delinquency Prevention OJJDP bill was passed. One section of this bill was dedicated to removing juveniles from adult jails across the U.S. The State of Iowa pushed the Counties to establish Juvenile Detention Centers for the increased safety of this population. As a part of this push, the State of Iowa offered to share the cost with the counties up to 50%. In addition, Iowa Code 232.142 was established to set the state Reimbursement rules. Iowa Administrative Code 441-167 defines the program in more detail. The fund of money being used to pay this is solely funded by Iowa Department of Transportation fines for the reinstatement of driver's licenses. During the COVID-19 Pandemic, this fund collection was down over \$2,000,000.

SOLUTION: The legislature should appropriate additional funding to bring the partnership in this service to 50% on an annual basis. In FY21, the amount paid by the state only totaled 8.7%. Counties paid 91.3% of the cost of this service. The state amount of 8.7% is a small fraction for a vital service. As a result, this has created an unfunded mandate for all of Iowa's counties. To deal with the immediate shortfall brought on by the pandemic, we strongly encourage the use of American Rescue Plan Act funding be used to address this need.

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 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. Absent that reversion, the legislature should allow for the appointment of a member residing within the county but not in the area regulated by the zoning ordinance if the individual owns property regulated by the ordinance or 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.