

★ 2024 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 and 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 to maintain local services.

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2024 LEGISLATIVE OBJECTIVES



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), land-owners 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.

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 United States. 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 million.

SOLUTION: The Iowa Legislature should appropriate additional funding to bring the partnership in this service to 50% on an annual basis. In FY 2021, the amount paid by the state only totaled 8.7% leaving counties to pay the remaining 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. Additionally, to address this issue, the Legislature should eliminate the outdated and burdensome process currently used to calculate juvenile detention reimbursement and implement a reimbursement that is based on units of service (bed days) provided by each facility. This would save taxpayer money by cutting the cost of calculating and auditing each center's expense reports and would give every facility a fair cost-share. Finally, the state Office of Juvenile Justice and the Iowa Department of Health and Human Services should be instructed to increase the number of certified beds throughout the state to better serve areas of critical need.

Medicaid Funding

PROBLEM: Providing sufficient state funding to reimburse dental, emergency medical, hospitals, mental health, and nursing homes, for Medicaid-covered services, especially in rural Iowa where it continues to be a major issue that has resulted in challenges to fund staff and keep these facilities open for our most vulnerable Iowans. In addition, the federal requirement that prisoners lose their Medicaid coverage once they are incarcerated has placed the financial burden on counties for their medical expenses once they are placed in county jails. These medical expenses have significantly grown in recent years, especially for individuals who require medication for treatment of complex mental health needs.

SOLUTION: ISACS supports the State of Iowa funding an increase of the reimbursement rate for all Medicaid-covered services, that at a bare minimum, covers the rate of inflation. In addition, the Iowa Department of Health and Human Services is strongly encouraged to apply for a state waiver for Iowa to the federal Department of Human Services that would maintain Medicaid coverage for those housed in county jails.

Iowa's Natural Resources and Water Quality and Quantity

PROBLEM: Iowa's natural resources and outdoor recreation opportunities are significantly under-funded at the state level. The Natural Resources and Outdoor Recreation Trust Fund remains empty since it was established in 2010. Legislators and the Governor have yet to raise the state sales tax – the funding mechanism in the Iowa Constitution. The funding formula in state law (Iowa Code Chapter 461) is favored by counties, but changes to the formula are expected. In the end, any changes to the Iowa Code funding distribution must meet the integrity of the language that was inserted into the Iowa Constitution in 2010. Addressing Iowa's water quality and quantity issues remain a major challenge with the tremendous need to provide boots on the ground to implement improvements on a watershed basis as well as expanding flood mitigation activities that include nature-based infrastructure.

SOLUTION: Raise the sales tax by a minimum of 3/8-cent and retain the integrity of the formula to meet the promises defined in the Iowa Constitution. Any change to the funding formula should be acceptable to county conservation boards and boards of supervisors. There have been proposals to fund the Trust in the past as part of broader tax plans. Any proposal that funds the Trust, retains the integrity of the funding formula, and is a large, net win for conservation is worthy of consideration. In addition, state funding should be provided to fund watershed management coordinators in watershed management authorities throughout the state that can better organize efforts in water quality improvements and flood protection. Lastly, to further address flood mitigation in Iowa, nature-based infrastructure should be an allowable expense for counties to invest in for flood mitigation.