Each year county officials from around the state submit legislative proposals to the IAC membership for consideration during the September IAC Annual Conference. Proposals are vetted through IAC’s six policy steering committees and then voted upon by the full membership in attendance. Only proposals receiving 2/3 support of the membership are considered for inclusion as IAC legislative priorities. Eighteen legislative resolutions were submitted for consideration at this year’s conference. The IAC Legislative Committee reviewed each of the resolutions adopted by the membership and selected the following eight proposals as IAC legislative priorities for 2020.

**WHISTLEBLOWER ACT**

Last year, the Idaho Supreme Court ruled unanimously that the Idaho Tort Claims Act (ITCA) which limits state and local government liability to no more than $500,000 per occurrence was applied incorrectly in *Eller v. Idaho State Police* due to the fact that the Whistleblower Act became law after the ITCA was enacted. Because there was not a direct correlation tying the two statutes together, the tort caps did not apply. ITCA and the Whistleblower Act need to be clearly connected in statute in order to protect counties and their taxpayers from paying excessive claims arising from whistleblower allegations. A coalition including the Idaho Division of Human Resources, the Idaho Liability Reform Coalition, and the Association of Idaho Cities support amending the Whistleblower Act. IAC supports updating the Whistleblower Act to protect taxpayers from over-burdened liability.

**ROAD MANAGEMENT FEES**

Idaho Department of Lands (IDL) manages all endowment lands with the constitutional caveat of maximizing financial returns from all uses upon those lands. This include assessing fees for all road easements crossing endowment lands which includes county roads. This easement process will necessitate local government having the land appraised at its highest and best use, then paying an appropriate easement value on each parcel crossed. IAC supports recognition that local government construction and maintenance of a public road system at taxpayers’ expense through endowment lands is a direct benefit to IDL. These roads are managed at no expense to the State of Idaho. The financial benefit and cost savings provided by local road jurisdictions are completely reciprocal and offset all financial considerations for easements across endowment lands.

**ADULT AND JUVENILE PRETRIAL RELEASE**

In the 2019 legislative session a new section of Idaho code was added 31-3201J to allow judges to order defendants into a pretrial release program and require them to pay fees associated with the supervision. The charges are often reduced or amended after a defendant is ordered to participate in a pretrial release program. Some have interpreted the current statute to mean that a Judge would need to re-order a defendant into pretrial supervision if the charge(s) are reduced or amended. IAC supports clarifying that defendants convicted of any charge in a case will pay pretrial supervision fees. IAC also supports the establishment of county juvenile pretrial release programs, including the ability to collect court ordered fees for pretrial supervision of juveniles. This will not have a fiscal impact on state government because this is how Odyssey is currently configured. Statute simply needs to be in alignment.

**TITLE FEES RE-ALLOCATION**

The Idaho Transportation Department (ITD) has shifted the burden of processing vehicle title transfers to counties by issuing scanners to county DMVs. This means that counties are scanning in titles and offering quality control during the first step of the title review process instead of sending everything to ITD for review. This has increased the amount of time and resources spent by counties. This information used to be collected by counties and then sent to ITD for processing and quality control. Now, the state wants all title information scanned into their system, but ITD only does quality control on three percent of the submitted title work. Section 49-202, Idaho Code, outlines a $14 title fee with $3 going to the county assessor. The assessors proposed a change of the title fee allocation from $3 to $7. This will not increase fees to the public. It will make up for the shift of workload from ITD to counties. IAC supports re-allocating the title fees from $3 to $7.
INDEX HOMEOWNERS EXEMPTION
Prior to 2016 the homeowners exemption was indexed for inflation. In 2016 the Idaho Legislature removed the index, fixing the exemption at 50% of a home’s market value up to $100,000. Since that time, a significant tax shift has occurred causing homeowners to carry a significantly higher burden of property taxes in comparison to commercial and ag property. The homeowners property tax exemption has not kept pace with the rise in assessed value of a homeowner’s house. IAC supports indexing the homeowners exemption to decrease the burden on residential property taxpayers.

ODYSSEY FEES
The Idaho Supreme Court removed miscellaneous fees from Odyssey on August 1, 2019 because they are not currently ordered to be paid to the Clerk of the District Court. This affects the clerks’ ability to collect miscellaneous fees including fees associated with electronic monitoring and drug and alcohol testing. If these fees are removed from Odyssey, there will be a fiscal impact to the counties because counties will need a separate case management software to assess and collect these fees. IAC supports clarifying that fees ordered pursuant to code can be paid to the Clerk of the District Court and collected in Odyssey.

ADMINISTRATIVE PROCEDURES ACT
The standard of review used by courts in reviewing decisions made by cities, counties, and local land use boards by statute is the same standard of review to be used in reviewing decisions made by state agencies under the Idaho Administrative Procedures Act (APA). Current law is very vague about how courts are to proceed in cases involving local decision-making and local land use decisions because the APA does not cover such actions. In 2018 legislators began exploring amendments to the APA that would have resulted in significant changes to the standard of review used by courts when reviewing decisions made by state agencies. Because decision making of counties and land use boards is currently tied by reference to the APA, there may have been unintended consequences in how decisions of cities, counties, and land use boards are reviewed by courts. IAC supports amending Titles 31 and 67 of Idaho Code related to the standard of review to be sued by courts in reviewing decisions made by cities, counties, and local land use boards by establishing the specific criteria to be used pursuant to local decision making and not criteria established under the APA.

WRITE-IN DEADLINE
The election calendar developed by the Secretary of State’s Office guides county election officials in determining deadlines and filing dates for consolidated election dates. Write-in candidate deadlines vary depending on the type of election being held. In some cases, the write-in deadline falls after the military ballots are mailed out. IAC supports changing the deadline for write-in candidates to create uniformity of deadlines for write-in candidates regardless of the type of election.

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