

## IAC Legislative Committee

February 14th, 2024 | 10:00 am – 12:00 pm MST

700 W. Washington St. Boise, ID

### MEETING MINUTES

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#### **Call to Order** | *Chair Don Hall*

*Nez-Perce Commissioner Doug Zenner motioned to approve the February 7th, 2024 Minutes. Minidoka Commissioner Wayne Schenk seconded. Motion passed.*

#### **Prioritize Resolutions**

- **IGA-05 Hospital Property Tax Exemption:** Current primary objection hospitals have raised on this bill is what is included in the definition of ‘hospital’. Chairman Monks would like us to come up with a definition of hospitals that helps address their concerns. Another concern is what is done with certain support facilities that are necessary for the function of the hospital (helipads, etc., that exist outside of hospital grounds). These are being addressed and Chairman Monks is looking for a definition that he is comfortable with. Once that exists, he will then advance the bill within the committee.
- **IGA-07 Area of Impact Agreements:** This bill is basically in limbo at the moment. Haven’t been able to find a resolution as the bill is currently drafted. The direction will need to be taking a step back and writing a new bill, focusing on ‘needs’ rather than ‘wants’. “Nice to have” items in the bill will likely need to come out.
- **JPS-02 Essential Emergency Medical Services:** No current update at the moment. Still in stagnation.
- **H0530 Emergency Communications Fee:** This bill was introduced a week ago. Have heard from cell phone providers who have concerns around this bill. A few have this fee included in their plan prices, so they would need to change their plan prices to adjust for the new \$3 fee. Looking at including some language to help address these concerns and emphasize that this is just a pass through fee. Meeting with them later this afternoon.

#### **IAC Policies**

- **County Travel + Convention Tax:** Couple of conversations had with Rep. Blanksma to help navigate this issue, but she isn’t in a position to help us at the moment. We will need to reposition and find a new plan of attack with the new change in leadership at the Capitol. Possible alternatives, such as grants or discussing splitting funds remain in conversation.

- **H0406 Fentanyl Mandatory Minimums:** On Senate 3rd reading calendar. Haven't heard any opposition, but this bill is moving, so that's a good sign.

## Updates

- **MDD356 Next of Kin Database (SUPPORT):** Few minor changes from the last draft, mainly including the name and nothing else. Sheriff's support this as well, and by the end of the week it will hopefully be printed.
- **Domestic Water:** Another one that is in limbo at the moment. Rep. Blanksma was the sponsor of the bill and likely still will sponsor it, but finding a path forward with the new leadership is the current task. Developers and drillers are opposed to this bill because of increased costs, building new homes, etc. Current path forward is unclear.
- **H0425 Flood Plain/State Disaster Preparedness (SUPPORT):** This bill is advancing and it doesn't appear that there will be any issues with passage. Next week this will likely be moved to monitoring and provide updates if necessary. (MONITOR)
- **H0440 Tobacco Products and Electronic Smoking Devices/Vape (SUPPORT):** Waiting on new language, it has not yet been seen. Moving to monitor until we get the updated language. Rep. Raymond is working on the new language. (MONITOR)
- **H0478 Electrical Code and Plumbing Code (SUPPORT):** This bill was heard in committee yesterday afternoon. No current update for its status and the bill tracker has not yet been updated. Will provide additional updates when we have more information. No real push back on this bill.
- **S1258 Public Rights-of-Way (OPPOSITION):** Senator Herndon's bill. The Sandpoint lake issue is what brought this bill to fruition. The bill as drafted would require, prior to vacating a road to a waterway or public land (state or federal), that an alternative right of way be created. There are issues with condemnation and its relation to counties and a letter has been sent that outlines our opposition. We are in support of maintaining access to public lands and always have been. The issues are focused more on the broader implications that this bill presents.

Short discussion: "One size fits all" mentality doesn't work here. Condemnation is a painful issue to go through as well. County needs tools to make this happen, and the language in the bill doesn't currently support that. These are some of the key issues that are representative of our opposition.

## New Legislation

- **H0443 Division of Occupational and Professional Licenses (SUPPORT):** This proposal allows for a non-licensed public works contractor to do the work of a project up to \$100,000 as long as they are generally supervised by someone who is a licensed public works contractor. This bill is halfway to our goal, and there is another bill in progress to help get us the rest of the way. Conversations with engineers are supportive and we are awaiting feedback from general contractors.

*Nez-Perce Commissioner Doug Zenner motioned to support H0443. Gem Assessor Hollie Ann Strang seconded. Motion passed.*

- **H0449 Property Taxes Government Entities:** Coming from Rep. Eihlers. It has been worked on with county assessors and the need to take a position on this bill doesn't seem necessary at the moment. There are concerns about the excessive penalties included in this bill. The board on the recapture of the taxes, the county has the ability to waive the taxes, but not the ability to waive the penalty on this specific bill's language. Language was added to the bill that provides an appeal process to the state tax commission. (MONITOR?)
- **H0470 Office of Elections Crimes and Security:** This bill would establish in the attorney general's office and office of elections crimes and security, and would provide that the attorney general's office to receive complaints about elections and elections security, investigate, and take action on allegations that come forward. Clerks did take an opposed position on the bill (mentioned it was a "soft oppose"). There is already a system in place to investigate fraud accusations and clerks have the ability to ask the attorney general's office for help if they need it. Clerks will not actively oppose, but if asked, they will oppose.
- **H0506 Short-Term Rentals (OPPOSITION):** Broad issues on this bill. A few years ago, the legislature introduced a way for cities and counties to regulate short-term rental properties for health and service issues (smoke-detectors, limiting occupancy based on parking spots, etc.) Realtors are bringing this bill forward to essentially strike those existing abilities.

*Minidoka Commissioner, Wayne Schenk, motioned to oppose H0506 as written. Nez-Perce Commissioner, Doug Zenner, seconded. Motion passed.*

- **H0508 PERSI, Rule of 80 (SUPPORT):** Effort last year to help get juvenile corrections supervisors, dispatchers, etc., to get added to PERSI. Sheriffs are running it again this year, and there is a hearing on Thursday @ 1:30 pm. There are a lot of complications around the people/occupations included in this bill, and all from the 2022 bill will be included, but any others not included in 2022 will not be brought in and will need to bring forward their own bill. If this bill passes, another class of people cannot be added to Rule of 80 and State Comm folks won't be added, but others will be in. Cities and counties will have a benefit.

*Nez-Perce Commissioner, Doug Zenner, motioned to support H0508. Owyhee Treasurer, Annette Dygert, seconded. Motion passed.*

- **H0517 Freedom of Religion, Speech, and Action (OPPOSITION):** This bill creates a private right of action against a governmental entity, state or local, to prohibit a city or county, state of Idaho, special purpose district, from taking any action against an individual under their right to freedom of speech. If those entities are held liable, then up to \$20,000 can be awarded to damages to individuals (with a cap), but no cap on attorneys fees. This creates additional liability for counties. These bills seem to be popping up all over the nation at the moment, but the root cause isn't necessarily understood yet.

*Owyhee Treasurer, Annette Dygert, motioned to oppose H0517. Vice Chair, Tom Dailey, seconded. Motion passed.*

- **H0519 Critical Infrastructure:** No urgency to take a position, and will be tabled until the next meeting.
- **H0521 Taxation, Boards, and Funds (SUPPORT):** "Christmas tree bill". Key components for this bill include language that allows tax commissions to use prior years tax levy rate, and enable information to be available in regard to tax information and makes counties lives easier by providing transparency. \$125 million in ongoing funding for next 10 years from the State General Fund (similar to how TECM works). Cap on how much each district could receive, and those dollars could be used to pay down debt on existing bonds or to improve facilities moving forward. Increases the amount of funds available to school districts.

*Minidoka Commissioner, Wayne Schenk, motioned to support H0521. Owyhee Treasurer, Annette Dygert, seconded. Motion passed..*

- **H0525 Health, Boards, and Duties (MONITOR):** Changes in language from “all” to “necessary and reasonable”, and preventative health language is being left in. No position necessary at this time.
- **S1244 Electioneering Activities:** Number of issues in the last couple election cycles if individuals are engaging in electioneering activities too close to polling places. Current statute does not have clear parameters, so this bill establishes that no individual may conduct electioneering activities within 250 feet of the front door of polling places. No engagement necessary at the moment.
- **S1247 Crisis Response Holds (MONITOR):** Discussion of amendments that have been proposed to add in due process and address the concerns of prosecutors. Senator Abby Lee says that she has amendment language put together. Sheriffs share the same concern as prosecutors. about due process, but overall think the bill is a good intentioned bill, and that language being put in at the moment should address those concerns.
- **S1265 Local Government Audit Requirements (MONITOR):** Relates to thresholds upon local jurisdictions of an annual or bi-annual audit. Amended thresholds; \$250,000 → \$300,000 or more is subject to annual outside audit. Bi-annual would increase from \$150,000 → \$200,000 and this goes for those who are exempt as well.
- **S1291 Prohibit Public Entities/Boycott (MONITOR):** Re-introduction of a bill introduced last year. Essentially part of the debate that is ongoing in the legislature of ESG (environmental social governance) issues. This proposal applies to financial contracts. It would prohibit local governments from entering into a contract with financial institutions that are currently engaging in formal institutional boycotts related to particular topics. Exemptions include; contracts for less than \$100,000. Additionally if there is a public purpose by entering into the contract, there is a way for the jurisdiction to clear a way for the contract to take place, but lots of due diligence would be required for this to happen to ensure conflicting policies don't exist.

*Vice Chair, Tom Dailey, motioned to support S1291. Motion failed due to lack of a second.*

- **S1302 Protection of Working Animals (MONITOR):** Pre-emption bill by local officials. As drafted, this bill would prohibit a city or county or the state, from enacting any regulation, ordinance or rules that are more restrictive than state law in relation to working animals (duties in commerce, service, i.e., horses, carriage riding, agriculture, ranching, etc.) Concern around counties not having the ability to look at and take action for the potential mistreatment of working animals as this bill is currently drafted. This was introduced and printed Monday, February 12th. Hearing is taking place this afternoon.
- **S1304 Open Meetings Law (OPPOSITION):** Potential impacts on county business and meetings. This bill creates a right for an individual to go to their local board and provide concern or comment on issues, but would still provide counties ability to control aspects of how an individual goes about commenting or going before a board. Concern is around ensuring that counties will have the tools to be flexible and preclude an individual going before a board in particular instances when discussing *specific* topics like planning and zoning matters and others that create legal liability if a member of the public is present. It would also greatly slow down public meetings because of the potential of public commenting at any meeting, any given day of the week.

*Bingham Assessor, Donovan Harrington, motioned to oppose S1304. Owyhee Treasurer, Annette Dygert, seconded. Motion passed.*

- **S1315 PERSI, Re-employment for Retired Members (MONITOR):** Last year, the legislature adopted a bill that allowed for re-employment of public safety officers and allowed them to come back and work for local jurisdictions. This is addressing public safety officers retiring, collecting PERSI, and then re-employing with city or local jurisdiction and drawing a salary in the same or very similar position and pay. Mentions and concerns highlight that the previous legislation has introduced the ability for abuse of a ‘loophole’ essentially, and is deceiving. Original bill had good intentions, but needs addressing and creation of side-boards to fix the original intent.

**Monitoring**

- **H0473 Ag-Protection Area Update:** Farm Bureau is bringing a new bill. They want to work through our concerns and comments and navigate it going forward.
- **RCB238 Local Economic Development:** Still awaiting bill introduction.
- **Homeowners Exemption:** No bill number yet. Continue to monitor.
- **HB292 Cleanup:** This bill was introduced and this will be removed.

**Open Discussion**

- Be prepared for a slew of bills next week, but then it should likely slow down.

## IAC Legislative Committee

### MEMBERSHIP

\*MEMBERS HIGHLIGHTED WERE IN ATTENDANCE

<b>CHAIR</b> <b>Don Hall</b> <i>Twin Falls Commissioner</i>		<b>VICE CHAIR</b> <b>Tom Dailey</b> <i>Ada Commissioner</i>	
Luke Omodt <i>District 1: Bonner Commissioner</i>	Mark Bair <i>District 5: Bingham Commissioner</i>	<b>Annette Dygert</b> <i>LACT: Owyhee Treasurer</i>	
<b>Tom Lamar</b> <i>District 2: Latab Commissioner</i>	Brent Mendenhall <i>District 6: Madison Commissioner</i>	Vic Pearson <i>IPAA: Franklin Prosecutor</i>	
Sherry Maupin <i>District 3: Valley Commissioner</i>	<b>Hollie Ann Strang</b> <i>IACA: Gem Assessor</i>	Kieran Donahue <i>ISA: Canyon Sheriff</i>	
<b>Wayne Schenk</b> <i>District 4: Minidoka Commissioner</i>	<b>Doug Zenner</b> <i>IACC: Nez Perce Commissioner</i>	<b>Scott Carver</b> <i>ISACC: Valley Coroner</i>	
	<b>Kim Keeley</b> <i>IACRC: Teton Clerk</i>		

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**ALTERNATES**

<p>Phil Lampert <i>District 1: Benewah Commissioner</i></p> <p>Justin McCleod <i>District 2: Lewis Commissioner</i></p> <p><b>Zachary Brooks</b> <i>District 3: Canyon Assessor</i></p> <p>Ben Crouch <i>District 4: Jerome Commissioner</i></p>	<p><b>Donavan Harrington</b> <i>District 5: Bingham Assessor</i></p> <p>Shayne Young <i>District 6: Jefferson Commissioner</i></p> <p><b>Josh Dison</b> <i>IACA: Elmore Assessor</i></p> <p>Angie Barkell <i>IACRC: Owyhee Clerk</i></p>	<p><b>Tracie Lloyd</b> <i>LACT: Canyon Treasurer</i></p> <p>Vacant <i>IPAA:</i></p> <p><b>Andy Creech</b> <i>ISA: Payette Sheriff</i></p> <p>Pam Garlock <i>ISACC: Boise Coroner</i></p>
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**\*More attendees listed below**

**IAC Staff**

- Seth Grigg**
- Sara Westbrook
- Kelli Brassfield**
- Chase Christensen**

**More**

- Lorna Jorgensen**
- Brad Willis**
- Penny**