

IAC Legislative Committee

February 21, 2024 | 10:00 am – 12:00 pm MST

700 W. Washington St. Boise, ID

MEETING MINUTES

Call to Order | *Vice Chair Tom Dayley*

Chair Don Hall motioned to approve the February 14th, 2024 minutes. Nez-Perce Commissioner Doug Zenner seconded. Motion passed.

Prioritize Resolutions

- **IGA-05 Hospital Property Tax Exemption:** Been working through some definitional changes over last week. Former Chairman Monks asked us to update the definition of a hospital to address concerns that the hospitals had raised. Current draft establishes that to be eligible, you have to match the statute that defines a hospital (including a support that is essential to the function of the hospital, which provides clearance for helipads, ancillary facilities, etc.) Currently working on getting it RS'ed.
- **IGA-07 Area of Impact Agreements:** Meeting tomorrow morning with Senator Lakey and the stakeholder group involved in this issue. Conversation will discuss what needs to be removed from the bill in order for it to advance in the House. Next week there should be final clarification on whether or not it will move forward this year and what that will look like.
- **JPS-02 Essential Emergency Medical Services:** Met with Senator Harris recently, and his meeting with the co-sponsor on the House side, and Dean Cameron (director of Health and Welfare). Dean Cameron is not opposed to moving the bureau at this point, but he would prefer to have it slowly moved, and create a longer transition to ensure the "i's are dotted and t's are crossed". Language is being worked on together between co-sponsor of the House and Dean Cameron.
- **H0530 Emergency Communications Fee:** Met with landline lobbyists and they have concerns about the bill, mainly the amount of the increase. They would like to see what a deeper dive could prove what else the fees could be used for. They are drawing it out and oppose it. Going to talk to the committee chairmen about doing a presentation on this issue to present to the legislature to emphasize the lack of funding. Potentially reducing the fee to \$2 in the meantime. Prospects of this moving forward this year are pretty slim. Some providers in their contracts stipulate what that fee includes, while others combine the 911 fee with the entire cost of a particular phone plan, so the fee increase would make them increase their advertised phone plan costs (another reason for their opposition). Potential resolution with NACo to make this a federal priority, because ECS lack of funding isn't just an Idaho issue, it is a nationwide issue.

IAC Policies

- **County Travel + Convention Tax:** Discussions with Senator Harris showed that he has a great interest in splitting the current tax (rather than raising it). The lodging tax has almost doubled in the last 5 years. Idea to take it through a “tiered system”, and it would be a gradual split. This is the current trajectory and it has great potential to improve reception among other Senators. Example proposal would be something along the lines of, “in the first year (x)% is split and then within 3-5 years, it becomes a full 50/50 split”.
- **H0406 Fentanyl Mandatory Minimums:** It has passed both houses and is heading for the Governor's signature. No indication that it won't be signed. New bill (H0569) was introduced, and it mentions a process to have city police departments, county sheriffs, courts and judiciary, etc., to submit all drug trafficking cases and possession with intent cases and submit it to the attorney general on a yearly basis. This could introduce challenges in the reporting.

Updates

- **MD3556 Kin Database (Bill #S1365):** Hearing on Tuesday in Senate Transportation. Passed out of committee unanimously. Rep. Manwaring will carry this in the House. Adding in language (the word “only”) to help emphasize that it can only be used for specific instances, and that next of kin databases can't be tied to State statutes, to clarify bills intent and purpose and avoid future litigation issues.
- **Domestic Water:** This morning in Senate State Affairs, the planning and zoning piece of this package was introduced, and there will be follow up about the prospects of the bill. Challenges at the moment are the number of groups with concerns around the bill. There are a few things to navigate, but next week there should be a bill number. Interest in identifying a path to mitigate with money as opposed to water, and the piece about mitigation has been removed and hopefully that piece can get ironed out next year.
- **H0425 Flood Plain/State Disaster Preparedness (SUPPORT/monitor)** This bill has advanced out of the House and shouldn't have any issues on the Senate side. Can be moved to our monitoring/tracker.
- **H0440 Tobacco Products and Electronic Smoking Devices/Vape (SUPPORT/monitor):** This doesn't appear to be moving forward and can be removed. Rep. Raymond wanted to do a new version of the bill.
- **H0443 Division of Occupational and Professional Licenses (SUPPORT/new bill#H0571):** Has been replaced by H0571. Once a hearing date happens on this, the committee will know. This new bill increases the threshold for subcontractors from \$50,000 or less to \$100,000 or less, before needing to be supervised by a licensed public works contractor.
- **H0478 Electrical Code and Plumbing Code (SUPPORT/monitor):** Doesn't appear to have any issues. Advanced out of the House and onto the Senate. Moving to monitoring status.
- **H0506 Short-Term Rentals (OPPOSITION/monitor):** This bill won't be moving forward, as some see it as going too far.
- **H0508 PERSI, Rule of 80 (SUPPORT):** Still sitting on House 3rd reading calendar. Hopefully it will move forward, but it is currently sitting.
- **H0517 Freedom of Religion, Speech, and Action (OPPOSITION):** This passed out of the House Judiciary Rules (passed 10-8). There was more opposition than originally thought, and Chairman Skaug who is a co-sponsor doesn't seem super interested in the bill and is willing to try and hold it for a week or two so

that we can discuss and emphasize concerns. Wanting additional side-boards to be added to allow county commissioners to manage open meetings.

- **H0521 Taxation, Boards, and Funds (SUPPORT):** Passed out of the Tax and Revenue committee yesterday. Should have a clear path forward, aside from potential minor conflicts in the House and Senate. There appears to be broad support for the bill and it looks like this bill will be moving forward. Bill would help make treasurers' lives easier and adds funding for CPS cases.
- **S1258 Public Rights-of-Way (OPPOSITION):** Passed the Senate last week, and there were two 'nays'. Reaching out to try and put some brakes on this from the House side.
- **S1304 Open Meetings Law (OPPOSITION):** No new update from last week and has not been scheduled for a hearing.

New Legislation

- **H0449 Property Taxes Government Entities (monitor/remove):** Remove from Agenda.
- **H0470 Office of Elections Crimes and Security:** Carry over from last week's discussion. This bill would create a new office for election crimes within the attorney general's office. Concerns from the Clerks on this bill. Will stay on here as an action item until next week.
- **H0519 Critical Infrastructure:** The critical infrastructure facility definition in the language leaves out any county facilities. General desire for county facilities to be listed on this bill explicitly is important.
- **H0541 Commercial Property Assessed Capital (OPPOSITION):** Would establish that a business could come to a county or city, present a plan for infrastructure improvements that would increase energy or water efficiency, county and city could bond, and then we charge an assessment to pay back the bonds. Big questions are in regard to the process in general, as well as, whether or not this has been run by legal to ensure it is in line with the Idaho Constitution. In Idaho, we cannot lend our full faith and credit to a private business. Concerns around political ramifications around this. This bill had a hearing about a week ago, and there were a lot of questions. Will follow up to get clarification on the constitutional question, as well as bond capacity questions. Tomorrow there will be further deliberation around this for further clarification.

Gem Assessor Hollie Ann Strang motioned to oppose H0541. Minidoka Commissioner Wayne Schenk seconded. Motion passed.

- **H0564 Homestead Exemption Status:** There was a meeting with treasurers and assessors legislative committee and the State Tax Commission. Huge concerns with some of the things that went through. Going forward, getting together to run scenarios on how this will work to help show Rep. Burns how this will work. Changes desired include removing "due on the second half" from language, and to also change the effective date to January 1st. Some portions of the bill have conflicting processes. Efforts to talk to Rep. Burns and address the concerns before the hearing will be made. Will get more information for the next meeting.
- **H0571 Public Works Exemptions (SUPPORT):** New version of H0443, as discussed earlier.

Owyhee Treasurer Annette Dygert motioned to support H0571. Valley Commissioner Sherry Maupin seconded. Motion passed.

- **H0572 Guaranteed Income Programs:** This would preempt a county from doing a guaranteed income program. A bigger issue would be to see if there is any allowance to provide rental utility or meal type assistance. Ensuring that this bill doesn't interfere with other programs is important to look at.
- **H0574 Bonds and Levy Elections:** Talking with Clerks and Treasurers will be beneficial. Tax relief funds used on school facilities upgrades on a ballot would need to be disclosed. School district facility fund is statutory, but year to year, sales tax distribution changes. How to quantify this on the ballot is unclear. Concerns around putting this information on a ballot confusing people, rather than marketing it beforehand or using another medium to present this. The Clerks are getting more info. From clerks' conversations, they learned that the ballot language will be drafted by bond councils and they will be responsible for any errors. Clerks will not be responsible for drafting the ballot language.
- **H0588 Public Records Request Deadlines (SUPPORT):** Differentiate deadlines to provide public records requests. A public agency would have 10 working days by time of request if made by an Idaho resident, but someone outside of Idaho would have 21 working days.

Nez-Perce commissioner Doug Zenner motioned to support H0588. Payette County Sheriff Andy Creech seconded. Motion passed.

- **H0593 PTO for Employees Hired by State Public Defender (SUPPORT):** Establishes a process for employees to transition to state employment, and rather than bring them over at the ground floor, it would bring them over to the state system based on their PERSI years of service, rather than 'resetting'. This would allow for a smoother transition. It also provides a mechanism for those employees so that they can transfer up to 40 hours of accrued leave from the county to the state. For this process to work, instead of the county paying out for 40 hours to the employee, the county would provide payment to the state to cover those expenses and it would carry over with the employee to the state. Likely for this to be heard next week.

Nez-Perce Commissioner Doug Zenner motioned to support H0593. Madison Commissioner Brent Mendenhall seconded. Motion passed.

- **H0608 Agricultural Protection Areas (updates):** This is the Farm Bureau's revised bill attempting to incorporate the concerns we raised with the previous bill. It is a much improved bill all in all, but there is still a problematic section on page 6, lines 11-18 on Eminent Domain.

"EMINENT DOMAIN. A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agricultural protection area that is being used for production agriculture except for as granted in section 14, article I and section 8, article XI of the constitution of the state of Idaho."

This could prevent a county from using condemnation authority. The primary concern is around highway maintenance, but the Farm Bureau didn't want to budge on this particular issue. The language also specifies that the county must establish an ordinance (this provides for a lot of flexibility) that would set forth the process for applications to be submitted, reviewed, processed and approved or denied. This bill has not yet been referred to a committee yet.

- **S1282 Motor Vehicle Registration Temporary Permits:** Canyon County Assessor Brian Stender is in charge of this, and it makes it easier for people to sell their car to a private party.

- **S1348 Debts Owed to Courts:** Clerks are introducing new language to make this bill more workable and intend to explain the potential impact to counties.

Page 1, Lines 17-25.

“In every criminal case, the court shall review debts owed to the court by a defendant or juvenile offender no less often than every ninety (90) days. In any case where a defendant or juvenile offender has not made at least one (1) payment toward debts owed to the court within such ninety (90) day period, such person shall be required to appear before the court, in person, to explain to the court why payments have not been made and to establish a meaningful payment plan. It shall be the responsibility of the administrative district judge in each judicial district to establish a practice to accomplish the requirements of this subsection.”

- **S1365 Next of Kin Database (SUPPORT/updates):** Discussed earlier.
- **S1367 Public Defense Guardian Ad Litem Fund (SUPPORT):** Bill from Senator Lee intended to address the lapse of clarity in the bill ran last year relating to CPS and guardian ad litem cases. It establishes that the state office of public defender is in charge of public CPS cases, and will be funded through state. Creates a new right to counsel guardian ad litem, and sets up a funding mechanism. Priority is that there be pro-bono programs and the judge can go to those programs to mitigate fiscal impact. The judge can then appoint another attorney and order the county to pay those attorney expenses. County is then authorized to seek reimbursement from the state public defender and the state is required to reimburse the counties.

Nez-Perce Commissioner Doug Zenner motioned to support S1367. Madison Commissioner Brent Mendenhall seconded. Motion passed.

Open Discussion

- Idaho Launch RS is being worked on getting introduced soon to mitigate impact to counties paying tuition.
- Discussions about getting EMS moved to OEM are still happening.
- H0440 was dead on arrival because Rep. Raymond wants to do a clean up, and create a different version that accomplishes the same goal, just in the correct section of code. His goal is to reintroduce this year.

IAC Legislative Committee

MEMBERSHIP

*MEMBERS HIGHLIGHTED WERE IN ATTENDANCE

CHAIR Don Hall <i>Twin Falls Commissioner</i>		VICE CHAIR Tom Dayley <i>Ada Commissioner</i>	
Luke Omodt <i>District 1: Bonner Commissioner</i>	Mark Bair <i>District 5: Bingham Commissioner</i>	Annette Dygert <i>LACT: Owyhee Treasurer</i>	
Tom Lamar <i>District 2: Latah 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>	Hollie Ann Strang <i>IACA: Gem Assessor</i>	Kieran Donahue <i>ISA: Canyon Sheriff</i>	

<p>Wayne Schenk <i>District 4: Minidoka Commissioner</i></p>	<p>Doug Zenner <i>IACC: Nez Perce Commissioner</i></p> <p>Kim Keeley <i>IACRC: Teton Clerk</i></p>	<p>Scott Carver <i>ISACC: Valley Coroner</i></p>

ALTERNATES

<p>Phil Lampert <i>District 1: Benewah Commissioner</i></p> <p>Justin McCleod <i>District 2: Lewis Commissioner</i></p> <p>Zachary Brooks <i>District 3: Canyon Assessor</i></p> <p>Ben Crouch <i>District 4: Jerome Commissioner</i></p>	<p>Donavan Harrington <i>District 5: Bingham Assessor</i></p> <p>Shayne Young <i>District 6: Jefferson Commissioner</i></p> <p>Josh Dison <i>IACA: Elmore Assessor</i></p> <p>Angie Barkell <i>IACRC: Owyhee Clerk</i></p>	<p>Tracie Lloyd <i>LACT: Canyon Treasurer</i></p> <p>Vacant <i>IPAA:</i></p> <p>Andy Creech <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