

Idaho Association of Counties
Legislative Committee Meeting Minutes
3100 S. Vista Ave., LGC room | Boise, Idaho | January 25, 2017 | 1:30 pm
In-Person - Conference Call # 208-717-1950
700 W. Washington St. Boise, Idaho

Member Present:

Chair: Joe Larsen, Cassia Clerk
IACA: Justin Baldwin, Gooding Assessor
IACRC: Carrie Bird, Clearwater Clerk
IACT: Donna Peterson, Payette Treasurer
ISA: Chris Goetz, Clearwater Sheriff
ISA Alt.: Vaughn Killeen, ISA Executive Director
District 1: Dan Dinning, Boundary Commissioner
District 2: Chris Goetz, Clearwater Sheriff
District 2 Alt.: Pat Vaughan, Latah Assessor
District 3: Gordon Cruickshank, Valley Commissioner
District 4: Helen Edwards, Gooding Commissioner
District 5: Ladd Carter, Bingham Commissioner
District 6: Abbie Mace, Fremont Clerk

Members Not Present:

Vice-Chair: Jim Tibbs, Ada Commissioner
IACC: Terry Kramer, Twin Falls Commissioner
IPAA: Bryan Taylor, Canyon Prosecutor
IPAA Alt.: Holly Koole, Ada Deputy Prosecutor
ISACC: Dotti Owens, Ada Coroner
ISACC Alt.: Pam Garlock, Boise Coroner
District 1 Alt.: Glenda Poston, Boundary County Clerk
District 3 Alt.: Vicky McIntyre, Ada Treasurer
District 4 Alt.: Larry Schoen, Blaine Commissioner
District 6 Alt.: Shelly Shaffer, Butte Clerk

Other Guests:

Tracie Lloyd, Canyon County Treasurer
Lorna Jorgensen, Ada County Prosecutor's Office
Larry Maneely, Ada County Commissioner's Office
Phil McGrane, Ada County Chief Deputy Clerk
Senator Steven Thayne
Jack Lyman
Kathryn Mooney, CAT Director

Martin Bilbao, ILTA Representative
Jesse Hamilton, ILTA Representative
Representative Ryan Kerby
Dan Chadwick, IAC Director
Kelli Brassfield, IAC Staff
Teresa Baker, IAC Staff

1:30 pm

I. Call to order - Chair Joe Larsen

- A. Introductions
- B. Approval of January 18, 2017 Minutes.

***Gordon Cruickshank made a motion to approve the January 18, 2017 minutes.
Abbie Mace seconded. Motion carried.***

1:35 pm

II. IAC Legislative Committee Structure/Process (Review)

A. Meeting Schedule – Next meeting reminder 2/1/17 Conference Call

1:40 pm

III. Non-IAC Legislation (Discussion/Action)

A. Primary Healthcare Bill – Senator Thayn – No draft available

Senator Thayn discussed the concept of his health care bill. The draft will not include the counties at all. This bill would create another division to the CAT fund for administration of this program that would cover chronic conditions. In participant is eligible for this program, \$600 would be paid to primary care providers. The participants would also be eligible to receive another \$400 that previously was going to go into a medical savings account (MSA). The reason for this thinking is there are many that can't afford copays and deductibles. Senator Thayn stated that primary care has proven beneficial, as we have seen in the SHIP program. They saw a 5-1 return. The CAT fund was created to provide payment for hospitals but they were not created for primary care. By creating the primary care portion of the CAT fund we hope to see a decrease in hospitalization.

Ladd Carter asked if Senate leadership has looked at this proposal. Senator Thayn stated that the interim workgroup came up with the decision that the legislature should provide primary care. He also stated that he is working with other senators to try to decide which proposal should come forward.

Vaughn Killeen asked how would this affect those who are beyond the primary care issue. Senator Thayn mentioned that this proposal does not cover those people; however, he will be continuing to find a solution for them.

There was discussion about the eligibility process and contract with primary care providers. Senator Thayn stated that the eligibility would continue with the current processes of the CAT fund and that providers would need to be willing to sign agreements, which would have a list of services that they would be required to provide.

Abbie Mace asked the Senator if he had considered something along the lines of Pre-existing Condition Insurance Program (PCIP). Senator Thayn stated that he has not at this time. Chris Goetz mentioned that the PCIP went away when the Affordable Care Act (ACA) was implemented.

Kathryn Mooney mentioned that if the new replacement, at the federal level, allowed something similar, the CAT could do that; however, ACA doesn't allow third party, like CAT, to pay for premiums. Senator Thayn stated that option is off the table for now. He wants to get primary care going first and then take a look at everything else. Senator Thayn mentioned his model has come from Singapore. Singapore focuses on primary care and they liberally fund HSA's. They also have a transparency tool.

Abbie Mace asked why this is only available for three years? Senator Thayn stated that the people that utilized this program need to be self-sustaining and so there is a three-year access period. When we get close to the end of the sunset, we will re-evaluate to see if this is effective.

Pat Vaughn asked about the determination of who actually has a chronic condition. Senator Thayne mentioned that this is still a work in progress and that is a good question and still needs addressed.

Kathryn Mooney mentioned that the CAT doesn't take a position because it is a state agency. They only provide information.

Joe Larsen stated that this is all good information. The committee will discuss further and will review it again when there is an actual draft.

B. 63-602NN – Representative Kerby

Rep. Ryan Kerby stated that the counties have been involved in the draft process. The State Tax Commission and Commerce have been involved also. Rep. Moyle is working with Rep. Kerby. Rep. Kerby reviewed the draft to include a definition of "base value" and this was added since existing businesses would be added, not just new business as it was before.

The threshold change would be reduced from \$3M down to \$500K allowing smaller counties the ability to take advantage of this exemption. Many companies in our smaller counties are unable to meet the \$3M threshold. Discussion with larger counties showed they liked the ability to have a smaller threshold because they want to be able to help their smaller companies.

Donna Peterson asked if dairies be included in this definition. Rep. Kerby stated that if the commissioners feel that dairies fit the definition of non-retail commercial and industrial then yes they would be included. With this Justin Baldwin asked Rep. Kerby if it was the intention to have almost anything qualify. Rep. Kerby stated that yes it was the intention to include more but if the committee has a better word to be clearer, there could be more discussion on it.

Dan Chadwick asked Rep. Kerby if it was also intended to include Ag services? Rep. Kerby stated that he didn't want to limit the counties. With this bill, the commissioners would have the discretion to make that decision. Teresa Baker mentioned how she could see how Ag could use this but would caution counties when using it even though this draft gives flexibility.

Justin Baldwin asked about the burden to the citizens. He mentioned that it seems like economic development benefits all, but the exemption creates more burden to the citizens. Could there be a cost sharing with the state to cover the burden? Teresa Baker stated that most counties are only granting 75%.

Donna Peterson made a motion to accept the concept of 63-602NN. Helen Edward seconded.

Pat Vaughn mentioned that he would like to have an RS draft to put in front of the commissioners. He stated that the draft has evolved and now it is something different from the initial discussions and would like to have time to run it by the commissioners. Justin Baldwin mentioned that he would also like to bring this to the body of the assessors.

Donna Peterson withdrew her motion.

C. Park Model – Jack Lyman

Jack Lyman stated that this topic has been a work in progress for a while and they have taken into consideration that counties want to have these park models titled. This draft defines park models and changes the definition on all other statutes. This draft also tackles the registration and titling issue. Sales tax will be paid when you purchase and when you transfer this to a new owner. Jack mentioned that he has been in contact with ITD to show us how many of the current park models are actually registered.

Donna Peterson asked Jack Lyman, “How is the DMV supposed to know which tax district the 100% distribution goes to?” She mentioned that this would be a very difficult task. Dan Chadwick asked Jack if he knew how many there actually are. If there are not that many, on a county-by-county basis, it might be appropriate to have it just go to the general fund. Discussion led to an agreement for language suggestion of just having the registration distribution go to the general fund. Jack Lyman stated he would make that change.

Gordon Cruickshank stated that a big problem lies in the definition. If we know what these homes truly are, then we can take care of them properly. Jack Lyman stated that they have included defined standards so counties could address them properly.

Gordon Cruickshank asked Jack about the people who live in this year round, not temporary. Jack stated this defines what park models are “intended” to be, not what it is actually being used for. He mentioned that he knows that the assessors wanted a more comprehensive coverage but we couldn’t come to an agreement on that and we think that if we cover these, the legislature will see us working on this and we can address the bigger problems.

Justin Baldwin presented some pictures of park models to the committee that Jack states are RVs.

Pat Vaughn mentioned that he thinks this legislation could create more issues down the road with our building officials.

D. Flat Recording Fee – Martin Bilbao & Jesse Hamilton

Jesse Hamilton stated that one of the challenges the ILTA faces is the counting of pages for various documents. The goal is to provide clarity and consistency across the counties with our title companies.

Joe Larsen stated that there has been much discussion about this and the revenue part of this legislation was a concern. Some of our counties were going to see a negative.

Abbie Mace mentioned that if we set a flat fee, this committee would like to see these fees reviewed every so often. With documents that continue to grow, it would be good to be able to see if the fees are still appropriate to the size of documents being recorded later on down the road.

Martin Bilbao stated that they are hesitant to put it in statute and mentioned that maybe we look at utilizing an MOU. Joe Larsen stated that the discussion of the concept of an MOU seemed to be problematic with our members. Carrie Bird mentioned that the membership thought the MOU might get lost and that it doesn’t seem to be appropriate for this purpose.

Joe Larsen asked Jesse how would they address the concerns heard. Jesse Hamilton stated that if counties that are upside down, they might have less volume or fewer pages. Martin Bilbao stated that an MOU should work and they have done this before and has been successful with other associations.

Gordon Cruickshank stated that we want a time certain that the fees will be reviewed and Martin agreed. Gordon asked whom would the MOU be with? As elected officials change, this may change. Jesse Hamilton asked if it is put in the statute, does the legislature set a taskforce to review this? How does this work? Who would be called out?

Dan Chadwick found language that is for jail fees. Maybe it could translate to this legislation. We could possibly go with “The germane committees of the legislature, the counties and the ILTA shall jointly review recording fees every four (4) years beginning with the legislative session in 2021.” He mentioned this would fix the concern for the review. Teresa Baker mentioned there are multiple places where our association is called out in statute, so it wouldn’t be uncommon for us to have this review in there.

Martin Bilbao agreed to take suggested language back to his board for review. Dan Dinning asked if the fees could be raised to make all counties whole. Martin Bilbao stated the ILTA is not willing to go to the legislature and ask for a fee increase.

Joe Larsen stated that Kelli Brassfield would work on some suggested language and send it to Martin. At that point we will see what the ILTA comes back with and review again.

2:45 pm

V. Other Business (Discussion)

A. HB0042 – Behavioral Health Board

1. <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2017/legislation/H0042.pdf>

Dan Chadwick reviewed HB42. This issue is that the Board of County Commissioners is to appoint a representative to serve on the Behavioral Health Board and this removes the IAC districts authority to appoint to the board. Dan Chadwick spoke with Director Armstrong and Ross Edmunds. He suggested that the three county commissioner positions be appointed by the IAC districts and to add a third appointee, who would be a county commissioner chair from that district.

Helen Edwards mentioned she would like to see this because it needs to be clear on who is allowed to be on the board. Donna Peterson asked why would we have a problem with having a designee. Dan Chadwick stated that we want the policy makers at the table and having staff as a designee does not serve that purpose.

Gordon Cruickshank made a motion to allow Dan Chadwick to work on language within this proposal. Chris Goetz seconded. Motion carried.

3:15 pm

IV. IAC Legislative Resolution Priorities (Update)

A. Recording Fees for Irrigation Districts

Kelli Brassfield spoke about the Idaho Water Users Association (IWUA) meeting. The IWUA stated that they did not like the current draft. Kelli asked them to take a position on it as it stands and then if IAC updated their draft, she would return to them for further discussion. Kelli Brassfield suggested that because the original intent of the legislation was to address the fee, the fee could be adjusted to reflect inflation (i.e. \$25) and then language could be added to the end of the statute to reflect a recording option.

Joe Larsen stated that the irrigation district in his area will always record them going forward. Carrie Bird mentioned that she does not object to the \$25.

Abbie Mace made a motion to increase the filing fee to \$25 and to add an option for recording pursuant the acceptance of this language from Patty Temple. Carrie Bird seconded. Motion carried.

~~B. Early Voting – No Update~~

~~C. Missed Property Roll – No Update~~

~~D. Open Meeting Notification – No Update~~

~~E. Records Retention for LE media – No Update~~

~~F. Rule of 80 – No Update~~

1. <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2017/legislation/H0021.pdf>

~~G. Whistleblowing/Protection of Employees – No Update~~

~~H. Equity Funding/Magistrate Court – No Update~~

Gordon Cruickshank mentioned he met with Rep. Gestrin on the boat inspection issue and has pulled back on his legislation to change misdemeanors to infractions.

3:30 pm

VI. Adjourn

Donna Peterson made a motion to adjourn. Justin Baldwin seconded. Motion carried.