**Idaho Association of Counties**

**Legislative Committee Meeting Minutes**

IAC Washington Office, Conference Call| Boise, Idaho | January 17, 2018| 10:30 am

**Call In: 208-717-1950**

Members Present:

Chair: Chris Goetz, Clearwater Sheriff

Vice-Chair: Pat Vaughan, Latah Assessor

IACA: Justin Baldwin, Gooding Assessor

IACC: Terry Kramer, Twin Falls Commissioner

IACRC: Carrie Bird, Clearwater Clerk

IACT: Donna Peterson, Payette Treasurer

IPAA: Bryan Taylor, Canyon Prosecutor

IPAA Alt.: Holly Koole, Ada Deputy Prosecutor

ISA Alt.: Vaughn Killeen, ISA Executive Director

ISACC: Dotti Owens, Ada Coroner

ISACC Alt.: Pam Garlock, Boise Coroner

District 1: Dan Dinning, Boundary Commissioner

District 3: Gordon Cruickshank, Valley Commissioner

District 3 Alt.: Vicky McIntyre, Ada Treasurer

District 4: Helen Edwards, Gooding Commissioner

District 5: Craig Rowland, Bingham Sheriff

District 6: Abbie Mace, Fremont Clerk

Members Not Present:

IACT Alt.: Tracie Lloyd

ISA: Kieran Donahue, Canyon Sheriff

District 1 Alt.: Phil Lambert, Benewah Commissioner

District 2:

District 2 Alt.:

District 4 Alt.: Larry Schoen, Blaine Commissioner

District 5 Alt.: Ladd Carter, Bingham Commissioner

District 6 Alt.: Shelly Shaffer, Butte Clerk

Guests:

Seth Grigg, Executive Director, Idaho Association of Counties

Kelli Brassfield, Idaho Association of Counties

Kristin Cundiff, Idaho Association of Counties

Mike Kane, Idaho Sheriffs Association

Nancy Wordell, Ada County

Sara Thomas, Idaho Supreme Court

Phil McGrane, Ada County

Judge Wood, Idaho Supreme Court

Jason Spillman, Idaho Supreme Court

Steven Dye, Juvenile Justice Administrators

10:30 am **I.** **Call to order** - Chair Chris Goetz

1. Roll Call
2. Approval of December 6, 2017 Minutes.

***Helen Edwards made a motion to approve the minutes from December 6, 2017. Abbie Mace seconded. Motion carried.***

10:35 am **II. IAC Package (Update)**

1. Justice Levy #14
   * Increase levy from .02% to .025%
2. Records Retention for LE #15 – Representative Malek
   * Update required retention timeframes
3. Delinquent Tax Payments #11 – Senator Hagedorn
   * Clean up requirement payment of delinquent taxes
4. Electronic Notice #1
   * Option to post public notices on county websites
5. Interest for Supplemental and Missed Property Rolls #10 - Representative Kauffman
   * Apply interest to sup. and missed property rolls the same as all other taxes
6. Early Voting Plan #5 - Senator Lakey
   * Allow for annual plans unless plan is modified
7. Election Age #6 – Senator Hagedorn
   * Reduce student poll worker age from 17 to 16
8. Federal Lands – Conservation #13
   * Provides a yearly payment of a fee in lieu of taxes for property that is accepted as a donation
9. Tax Intercept for Indigent #12
   * Allow for tax intercept for approved indigent claims

Seth Grigg mentioned that five proposals are with LSO being drafted. IAC staff has met with Senator Siddoway and Senator Johnson to get the respective bills scheduled. IAC has met with media to make sure they are ok with the timeframes/drafts for the records retention bill. The goal is to have print hearings next week that way county elected officials can participate in the hearings while in town for the Midwinter Conference.

The justice levy proposal is being vetted with legislators and this is going to be a heavy lift. There will be talking points for all. The federal lands resolution is being drafted. Representative Nate is drafting the electronic notice bill. We have provided information to him and the counties alone could save a little over $600,000.

10:40 am **III. Update and Monitor**

1. Magistrate Court Funding

Seth Grigg stated that he has completed a fiscal impact that shows the county-by-county impact. This proposal would create a little over $7,000,000 to counties to pay for magistrate court activities. Over a 5-year period it would transfer a percentage of liquor funds to the counties. There was broad support for this proposal. The workgroup wanted to put forth a concept that would get broad support.

This new money would go into a magistrate court fund and would be distributed based on population and workflow. The funds would be distributed no less than quarterly. Terry Kramer stated that this proposal would give everyone a piece and so everyone has some skin in the game and feel that this helps maintain the relationships between the counties and cities.

Carrie Bird inquired about how the distribution was considered. She wondered if there was discussion on creating a based and then further distribution? Terry Kramer and Seth Grigg both mentioned that that base concept is not a bad idea to consider a base.

Abbie Mace asked Seth about the foregone amount? Seth Grigg stated the foregone amount is after full implementation. It is how much the county would forgo of liquor growth. Counties should not lose any money. All counties will receive the same amount they have in 2017. There are protections built into the proposal so counties wouldn’t go below the amounts they are currently receiving.

1. Campaign Finance Reform Interim Committee Update - Impact on Counties

Phil McGrane stated that the big campaign finance reform bill is still out there and did not die in committee. There has been more discussion about further consolidation bills. We would like to see everyone file with the county clerk instead of other offices.

11:05 am I**V.** **New Legislative Items (Action)**

1. Executive Session – Sale of public property

Seth Grigg stated that some small school districts have needed to sell property and have discussed the ideas in open meetings. Discussion of these sell proposals have undercut their ability to sell property. This will allow for them to go into executive session to discuss sell of property with their attorneys.

***Donna Peterson made a motion to support the Idaho School Board Association with their Executive Session – Sale of Public Property proposal. Terry Kramer seconded. Motion carried.***

1. Impact Fees

Seth Grigg stated this proposal is from the fire district commission. Some districts are allowed to adopt impact fees but many interpret that the fees can only be used for capital improvements. This proposal would allow them to use the fees on equipment. It would give them more flexibility.

1. Rule of 80, Juvenile Justice

Steve Dye, Juvenile Justice Administrators, introduced their proposal which would obtain the rule of 80 for line staff and others in Juvenile Justice. I would like to focus on consistency in statutes that define law enforcement. In our state there are officers that are doing the same duties and others that are receiving the rule of 80 benefits. We are supervising the same offenders as the department of corrections. Some of the differences are that Juvenile Justice officers may interact with offenders more often than some of the state officers.

Chris Goetz mentioned adding this proposal to next week’s agenda after we can review the fiscal impact.

1. Recording Fee

Kelli Brassfield stated that it appears that the clerk’s recording committee has reviewed the final draft from the Idaho Land and Title Association and are good to move forward with their support.

Carrie Bird mentioned that there was one thing she forgot to mention to the ILTA. The issue is around the word conveyance because it is too broadly defined in 55-601, Idaho Code. This issue was brought last year. Conveyance could include too many documents. Phil McGrane mentioned there other states having issues with interpretation of documents and some states (Wisconsin) have gone away from separating types of documents.

***Carrie Bird made a motion to support if ILTA removed the word conveyance. Abbie Mace seconded. Motion carried.***

1. Priority of Payments

Sara Thomas gave some background on the issue of priority of payments. There are many different fees that are paid to the clerk of the court and then have to be distributed. The money is distributed by a court order. The court created a priority of payments, and the payments were put in a certain order based on statues and their priority was based on when they were passed in the legislature. The legislature needs to tell us what the distribution should be. Odyssey is now the official court record. Clerks are no long allowed to circumvent the law and priority of payments the way the statute is set up.

Counties are seeing a huge dip in Misdemeanor Probation (MP) fees. Courts understand and want to fully fund the MP. The draft you see is the way the courts see the payments being prioritized. We have moved MP from #24 to #3 in the list. This is the courts recommendation but we support other groups coming in to discuss and say they disagree. We want to have a really good discussion.

Ada County has a proposal that would remove MP from the priority of payments and have individuals pay the counties directly for these fees. Ada County will present their proposal on the same day as the courts. If you take MP out of the priority of payments, it essentially makes it #1.

Donna Peterson mentioned that with this proposal restitution comes after the counties and maybe victims will feel that they are being victimized again. Sara Thomas stated it is that way because that is the way it is written in statute right now. Having said that we need to talk about that.

Vaughn Killeen asked how this would affect current revenue streams. Sara Thomas mentioned that the courts are trying to figure out how much money is being collected under each of the categories but we don’t have all that information yet.

Mike Kane wonders how this would work with Marcy’s Law. Sara Thomas stated that with the Marcy’s Law proposal from last year would provide that victims need to receive restitution timely and this statute doesn’t not provide for the definition of “timely.” This could lead to the restitution being paid fully before anything else.

1. Homestead Exemption

Seth Grigg stated that the current homeowners exemption is no longer indexed and is now fixed at $100,000. The pressures on homeowners are going up. Senator Burgoyne would grant authority to Board of County Commissioners to adopt a homestead exemption as an index instead of using the fixed homeowners exemption.

Justin Baldwin mentioned the Assessors were not in favor of the initial change because they thought it was shortsighted. The Assessors are also against this proposal because they like consistency. The Assessors would like the state to pick one and stick with it. They would prefer the index but we would like just one and to stick with it.

1. Distracted Driving

Mike Kane stated that this distracted driving proposal is going to be a difficult task; however, it is important that there is discussion about the issues our state is facing. The draft is a model bill that is going around the country and may need to be tailored to Idaho.

1. Local Option Tax

Seth Grigg stated that Representative Redman is looking to make some changes. He would like to see a broad local option tax. Feedback is that he needs to give more sideboards and is working on that. IAC will continue to follow this and provide any additional information if it moves forward.

1. Inmate Costs

Mike Kane and the Idaho Sheriff’s Association are working in with the counties has come up with a proposal that would increase the amount counties receive for state inmates from $45/day to $75/day. That is a significant jump from where it is now. The property tax owners are footing the bill for the difference the counties are paying. Mike Kane met with co-chairs of Judiciary and Rules and they came back with state prisoners must be removed as soon as possible. They suggested we give them a rate for the 7 days and then maybe $75/day after the 7 days. This is a good starting point and where we could go from here.

Chris Goetz stated that this would be more difficult for smaller facilities because it will create two different types of billing.

1. School Election Bill

Phil McGrane stated Senator Souza has a proposal to move the trustee election from May of odd years to November of odd years. The Idaho School Boards have worked with Souza to come to an agreement and they will support. Phil McGrane mentioned he opposed this proposal the first time. This proposal would also change the trustee boundary lines to match precincts.

12:00 am **V. Adjourn**