**Idaho Association of Counties**

**Legislative Committee Meeting Agenda**

IAC Washington Office, Conference Call| 700 W. Washington St., Boise, Idaho | February 14, 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

IACT Alt.: Tracie Lloyd

ISA Alt.: Vaughn Killeen, ISA Executive Director

ISACC: Dotti Owens, Ada Coroner

District 1 Alt.: Phil Lampert, Benewah Commissioner

District 3: Gordon Cruickshank, Valley Commissioner

District 3 Alt.: Vicky McIntyre, Ada Treasurer

District 4: Helen Edwards, Gooding Commissioner

District 4 Alt.: Larry Schoen, Blaine Commissioner

District 5: Craig Rowland, Bingham Sheriff

District 6: Abbie Mace, Fremont Clerk

Members Not Present:

IPAA: Bryan Taylor, Canyon Prosecutor

IPAA Alt.: Holly Koole, Ada Deputy Prosecutor

ISA: Kieran Donahue, Canyon Sheriff

ISACC Alt.: Pam Garlock, Boise Coroner

District 1: Dan Dinning, Boundary Commissioner

District 2:

District 2 Alt.:

District 5 Alt.: Ladd Carter, Bingham Commissioner

District 6 Alt.: Shelly Shaffer, Butte Clerk

Guests:

Seth Grigg, Executive Director, Idaho Association of Counties

Kristin Cundiff, Idaho Association of Counties

Kelli Brassfield, Idaho Association of Counties

Mike Kane, Idaho Sheriff’s Association

Phil McGrane, Ada County

Lorna Jorgensen, Ada County

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

1. Roll Call
2. Approval of February 5, 2018 Minutes.

***Carrie Bird made a motion to approve the February 5, 2018 minutes. Donna Peterson seconded. Motion carried.***

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

1. Justice Levy #14 – H555
	* Increase levy from .02% to .025%
2. Records Retention for LE #15 – H499
	* Update required retention timeframes
3. Delinquent Tax Payments #11 – S1230
	* Clean up requirement payment of delinquent taxes
4. Electronic Notice #1 – H420
	* Option to post public notices on county websites
5. Interest for Supplemental and Missed Property Rolls #10 - S1231
	* Apply interest to sup. and missed property rolls the same as all other taxes
6. Early Voting Plan #5 - S1229
	* Allow for annual plans unless plan is modified
7. Election Age #6 – S1228
	* 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

10:45 am **III. Update and Monitor**

1. Magistrate Court Funding

Seth Grigg mentioned he had a break through meeting with Rep. Luker this week and he agreed to allow some state money to be used. There is discussion about looking at some money to come from the district court. The local distribution to the county would be 36%, Magistrate Court 16%, city 48%. Rep. Luker is more willing to find a solution.

***No position was taken.***

1. Inmate Cost – H553

Mike Kane stated this proposal is in great shape. There hasn’t been any opposition yet. There is a hearing on February 23rd and a 1:30 pm meeting with JFAC chairs on 21st.

11:00 am I**V.** **New Legislative Items (Action)**

1. Priority of Payments – Courts – H530

Seth Grigg asked the committee to review the court rule of the current priority of payments. The impact for counties is the cost of supervision moves from priority #10 to #3. Staff recommendation is to support this proposal. Counties would greatly hurt if neither the courts or Ada County’s bill becomes law.

Donna Peterson asked if the courts have considered moving to a % rate for these fees. Chris Goetz stated that the courts have still been resistance and maybe this could be a resolution next year.

Carrie Bird mentioned that if neither proposal moves forward the MP program in Clearwater County would dissolve.

***Carrie Bird made a motion support H530. Abbie Mace seconded. Motion carried.***

1. Bond/Levy Elections – H487

Seth Grigg stated that this proposal relates to when bonds can go before the voters. This would allow for a bond or levy to be voted on once a year if it fails. Currently districts have multiple elections to try to get bonds/levies passed. This could really affect schools when it comes to supplemental levies. The impact on counties is unknown at this time. We could potentially see a cost savings because there could be less on the ballots.

Carrie Bird mentioned that this could be really negative on schools and this is their avenue to get funding they need.

***Carrie Bird made a motion to oppose H487. Abbie Mace seconded. Motion carried.***

Gordon Cruickshank made a point that during discussion with legislators, it is important to remind them that emergencies exist and counties, as well as other districts, may need to utilize multiple elections.

1. School District Trustee Elections – S1280

Seth Grigg stated that this proposal would move the trustee elections from May of odd years to November of odd years. The zone boundary language has been removed.

***Abbie Mace made a motion to oppose S1280. Terry Kramer seconded. Motion carried.***

1. Personal Property Tax Exemption – H556

Seth Grigg reminded the legislative committee that they voted to oppose this proposal when in draft form. The new draft was sent out. Staff is working on some talking points. The membership needs to contact their legislators very quickly. Opposition is going to be a hard sale because it gives commissioners the option. The Idaho Association of Commerce and Industry has our concerns. The Association of Idaho Cities will oppose.

Terry Kramer mentioned that this could impact other committees within our counties that commissioners participate in, such as the Economic Development Committee. Justin Baldwin also mentioned that this would pit counties against each other. This is unconstitutional because it does not foster equality. It also addresses operating property and there isn’t a clear definition for operating property.

***Committee will remain in opposition.***

1. Building Codes Pre-Emption – H547

Seth Grigg gave some background to Idaho Building Codes. In Idaho the state has failed to adopt the residential codes for 2015. The state is still operating under 2012 codes. Some cities have adopted the 2015 codes. Attorneys have been asked if cities can actually do that. Attorneys have determined that statute allows for cities to adopt newer standards.

Larry Schoen stated that Blaine County has adopted building codes that are stricter than some of the 2012 codes. Blaine County has snow load, flood, etc.… Blaine County exceeds in these areas. Builders are arguing that it is hard to build to each community but builders are not that mobile and know their areas. Blaine County builders know our standards.

Gordon Cruickshank mentioned that Valley County has taken some additional measures, just like Blaine County. An additional area that Valley County addresses in their standards/codes is in regards to fire. Since Valley County is in the forest, fire prevention is a major aspect of code. Counties need to stand up for citizen safety.

Pat Vaughn asked if the committee could take this information back to their respective counties for feedback. The assessors would like to run through this as well.

Wait until next week for a position. ***No position was taken.***

1. New Construction Roll – H559

Seth Grigg stated that this proposal is intended to address properties that will be exempt, upon application, after construction. What has happened is there are a couple counties that add future exempt properties to the new construction roll while under construction. Once the building is complete. The building becomes exempt but the taxable amount is not removed from the property roll. This causes a tax shift to the taxpayers.

Most counties are not following this process. Most counties that know that a building will/intend to be exempt after construction, do not put the value on the new construction roll. The intent is to have these types of property completely exempt (during construction and after completion). Also allows the non-profits to ask for a tax refund or a credit towards future taxes.

Justin Baldwin mentioned that it might be allowable under the law to place these types of property on the new construction roll; however, only a couple of assessors are actually following that process. The law states that everything is taxable until it is exempt. This proposal is a low hit for following their interpretation of the current law. Gooding County is ok with clarification.

Donna Peterson mentioned that it is good to have clarification but doesn’t like the retroactive part. Gordon Cruickshank stated it is a good idea to have people apply for the exemption at the time of the permit application, which would clarify the type of property. Seth Grigg stated that the concerns would be discussed with the bill sponsor.

Abbie Mace noted that payments made from the current expense fund would require counties to open the budget. The bill sponsor could keep this a little broader and it would still accomplish what he is looking for. Lorna Jorgensen noted that Ada County took a case to the Supreme Court and Ada County prevailed.

Gordon Cruickshank stated that some counties only have so much money and the other districts will have to repay money also. Many districts may not have the money if we have to return money. Donna Peterson stated that Payette County utilized a payment plan to repay, when there was a lack of funds.

Pat Vaughn stated that it shouldn’t be too much effort because this doesn’t happen that often. Most assessors are doing this in line with the intent of this proposal.

***Phil Lampert made a motion to oppose H559. Helen Edwards seconded. Motion carried.***

1. Public Records – S1274

Seth Grigg stated that there were some concerns about how this was drafted. This proposal has two focuses: 1) to know who to make a request to and, 2) being able to disclose certain items (i.e. severance packages). Some school districts have tried to block the disclosure of severance package information. It is common in counties to have more than one custodian for requested information. Sen. Souza is willing to address having more than one custodian. Phil McGrane stated that Sen. Souza spoke with the AG office said there shouldn’t be a concern because the definition of “agency” would allow for more than one custodian.

***No position was taken.***

1. Sales Tax Exemption for Vehicles – H516

Seth Grigg stated that this would have an impact on revenue sharing. The impact is not going to be large. This proposal would allow vehicles with alternative sources (i.e. propane, electric, etc.) to receive a 50% sales tax deduction on the initial purchase and would not transfer to subsequent owners.

Abbie Mace made a point to remind the committee that this may have little impact but it opens the doors for others to create the same exemption and they are still using the roads, which the money is used for.

***Abbie Mace made a motion to oppose H516. Gordon Cruickshank seconded. Motion carried. Pat Vaughn and Helen Edwards abstained***.

1. Trespassing – H536

Mike Kane stated that the Idaho Sheriff’s Association voted to oppose H536. This bill translates language from the Fish and Game statutes on trespassing into the other two places in Idaho Code that talk about trespassing. If an individual is guilt of trespassing three times, the individual would have charges of a felony brought upon them. This bill would in affect make it trespassing when Girl Scouts go door-to-door selling cookies. It appears that was not the intent; however, changes are not being made to address the concerns of the Sheriffs and Prosecutors. This proposal defines “entering the property” and the way it is written is very problematic. It would be a crime to simply put a foot on someone’s driveway.

***Craig Rowland made a motion to oppose H536. Bryan Taylor seconded. Motion carried.***

1. DUI Diversion Program – H553

Mike Kane stated that this is an optional diversion program for DUIs. There would be provisions around the program. The Idaho Sheriff’s Association supports this but the Idaho Prosecuting Attorney’s Association opposes this. It was recommended that IAC not take a position because of the split in membership.

Vaughn Killeen stated that there is plenty of information that shows these programs reduces recidivism. Seth Grigg stated that Rep. Kerby reached out and wanted us to weigh in. The challenge is that this is optional. Some want it and some don’t.

Larry Schoen stated that he would support this proposal since it is optional. He stated that some Prosecuting Attorneys may have more experience in running these programs and may want to utilize them. Chris Goetz mentioned there is only one PA in favor of this. The IPAA main objection would be that they could not use the first offense when someone fails again.

1. Driving w/o Privileges – Chaney

Committee decided to hold discussion on this topic.

1. Special Transportation Levy

Seth Grigg stated that this proposal is something the House would be willing to entertain this session. It is scaled back from the original version. Gordon Cruickshank stated that the 60% vote margins have been removed. Seth Grigg stated that the House wouldn’t give us a hearing if we went with 60%. We will have to use the 66 2/3% votes.

***Carrie Bird made a motion to support this proposal. Gordon Cruickshank seconded. Motion carried.***

1. Ballot Language – H560

Seth Grigg stated that Rep. Nate brought a proposal last year that would have required the treasurers to put a lot of information on their tax bills. This is in response to the feedback from last year and would require the clerks to disclose the cost of bonds per $100,000 of taxable value on the ballot. This is a more feasible approach.

Donna Peterson stated the taxpayer already receives communication from taxing districts telling them what the cost will be and this could put our clerks in a bad place. Carrie Bird mentioned there are costs associated with this because that language has to go onto the ballot and we will also have to have audio of this for hearing impaired. Abbie Mace agreed with Carrie and stated the taxpayer will not see average and will think the amount is fixed and will put our clerks in a bad position.

Seth Grigg recommended bring this back next week to give all clerks a chance to weigh in.

1. County Commissioner Elections – H574

Seth Grigg stated this proposal would require county commissioners to be voted on by voters within their own districts. Rep. Nate doesn’t understand the unique position county commissioners have. Commissioners don’t just serve as one branch of government. They don’t represent just their own district. They take care of the whole county on multiple levels.

Mike Kane mentioned that if we could give him some good reasons, he will not move forward. Rep. Nate is not looking to climb a big hill with this proposal. Larry Schoen mentioned that some rural communities feel overpowered by urban communities and this is where some of the argument comes from.

Carrie Bird stated this would increase the ballot counts for our commissioner’s races. We would have to have three different ballots on top of all the other splits because of the different districts across the state.

***Vaughn Killeen made a motion to oppose H574. Phil Lampert seconded. Motion carried.***

**Other related bills of interest:**

**H509 would require out of state residents to purchase a tag for off road vehicles, such as UTVs. ISA supports H509.**

**H510 would require non-motorized user of groomed snow trails to purchase a trail sticker. The fee would be collected and distributed the same as motorized user trial sticker fee. Idaho Sheriff’s Association is not going to weigh in on this proposal.**

**H511 would remove the .50 cents going to the Idaho Heritage Trust. Counties have used this trust for historical projects in the past. It would make the trust rely on private funding. The fiscal impact is not accurate.**

12:00ish pm **V. Adjourn**